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Federal Register

Tuesday
September 2, 1986

Briefings on How to Use the Federal Register—
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: September 25; at 9 am.

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.

RESERVATIONS: Doris Tucker 202-523-3419

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Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 51, No. 169
Tuesday, September 2, 1986

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-38-AD; Amdt. 39-5409]

Airworthiness Directive; British Aerospace (BAe) Models DH 125-1A and DH 125-3A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD), which was previously made effective as to all known U.S. owners and operators of British Aerospace Models DH 125-1A and DH 125-3A series by individual priority letters. This AD requires inspection and repair of the flap drive torque shaft assembly to prevent loss of control due to asymmetric flap deployment.

EFFECTIVE DATE: September 15, 1986. This AD was effective earlier to all recipients of Priority Letter AD 86-06-04, issued March 19, 1986.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-2909. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On March 19, 1986, the FAA issued Priority Letter AD 86-06-04, applicable to British Aerospace Models DH 125-1A and DH 125-3A series airplanes, which requires inspection and repair or replacement, as necessary, of the flap drive torque shaft assembly. This action was prompted by reports received of an in-flight incident of flap asymmetry due to failure of the flap drive torque shaft assembly. It was determined that the failure was caused by corrosion. Further investigation revealed similar corrosion on two other airplanes. Failure of the flap drive torque shaft assembly could result in loss of control of the airplane due to asymmetric flap deployment.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on airplanes of this type design registered in the U.S., Priority Letter AD 86-06-04 was issued to require inspection and repair or replacement, as necessary, of the flap drive torque shaft assembly in accordance with procedures described in British Aerospace Alert Service Bulletin 27-A140, dated March 10, 1986.

On April 1, 1986, British Aerospace issued Service Bulletin 27-140, which merely supplements and clarifies the Alert Service Bulletin 27-A140. The United Kingdom Civil Aviation Authority (CAA) has classified both service bulletins as mandatory. The FAA has included the procedures described in Service Bulletin 27-140 as an alternative for compliance with paragraph A. of the published version of this amendment; this action does not impose any additional burden on any operator.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual letters issued March 19, 1986, to all known U.S. owners and operators of certain British Aerospace Model 125 series airplanes. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 29, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a); 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449; January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to British Aerospace Models DH 125-1A, DH 125-1A/522, DH 125-1A/S-522, and DH 125-3A airplanes, all serial numbers, certificated in any category. To prevent loss of control due to asymmetric flaps, accomplish the following, unless already accomplished:

A. Before further flight, inspect the left-hand and right-hand flap drive torque shaft assemblies, and repair or replace, as necessary, in accordance with British Aerospace (BAe) Alert Service Bulletin 27-A140, dated March 10, 1986, or BAe Service Bulletin 27-140, dated April 1, 1986.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may

be used when approved by the Manager, Standardization Branch, ANM-13, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 15, 1986. It was effective earlier to those recipients of Priority Letter AD 86-06-04, dated March 19, 1986.

Issued in Seattle, Washington, on August 22, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-19654 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-CE-29-AD, Amdt. No. 39-5408]

Airworthiness Directive; Mooney Aircraft Company Models M20 and M20A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to Mooney Models M20 and M20A airplanes which supersedes AD 76-15-01, Amendment 39-2673. The new AD retains the same inspection intervals as were in AD 76-15-01, clarifies instructions for inspections originally prescribed in AD 76-15-01 and adds a one time reporting of findings resulting from the inspections. This action is necessary to assure thorough and complete inspections of the wood structure and to provide data on the condition of wood structure in the Mooney M20 and M20A fleet. This action will reduce the probability of undetected wood deterioration in primary structure and provide information that can be used to determine if additional mandatory action is needed to assure the structural integrity of these airplanes.

EFFECTIVE DATE: October 6, 1986.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Mooney Service Bulletin (S/B) No. M20-170A dated February 24, 1969; S/B No. M20-29 dated December 4, 1957; and S/B No. M20/67 dated February 15, 1960, may be obtained from Mooney Aircraft Corporation, Post Office Box 72, Kerrville, Texas 78028. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Garry Sills, Airplane Certification Branch, ASW-150, FAA, Post Office Box 1689, Fort Worth, Texas 76101; Telephone (817) 624-5164.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring more detailed repetitive inspections and proof load testing of the wooden primary structure and repair or replacement as necessary on Mooney Aircraft Corporation Model M20 and M20A airplanes was published in the **Federal Register** on Wednesday, September 4, 1985 (50 FR 35830-35836). The proposal resulted from an NTSB review of Mooney Models M20 and M20A accident records and specifically an accident on January 29, 1983, at Prattville, Alabama, in which the left wing separated in flight.

Interested persons have been provided an opportunity to comment on the proposal. Forty-four commenters responded. Two commenters agreed that the inspection requirements should be implemented as proposed. One commenter determined that paragraph (i) of the proposal would require a written report every 6 months. The FAA concurs and the paragraph has been rewritten to require a written report only for the initial inspection.

Two commenters, both of whom have performed extensive rework on their wings, indicated that the structural integrity of the airplane is dependent upon the age of the wing structure and the condition of the wing covering fabric. One of the commenters stated that the fabric should be inspected every month and all tears and cracks repaired at once when they are found. They also stated close attention should be given to ensure the scupper boxes are sealed so that spilled gasoline and water cannot enter the wing. The FAA has no means of determining to what extent a wing is reworked and therefore no allowance can be made for this action. The FAA does not concur that mandatory monthly inspections are justified if annual and six month inspections are done properly, and therefore, monthly inspections are not required by the AD. The FAA concurs with the statement regarding the scupper boxes and inspections of these areas are required by this AD.

One commenter stated that this AD should not be required until the next annual inspection. The FAA concurs and the requirements of this AD continue the required inspection intervals previously established by AD 76-15-01. Several commenters stated that airplanes which are permanently hangared are generally in better condition than those which are kept outdoors and that the FAA should consider granting extended inspection intervals for these hangared airplanes. While the FAA concurs that such airplanes may be in better structural condition than normal, it is impossible to monitor day to day conditions encountered by an airplane. Therefore, this suggestion was not incorporated in the AD.

Several commenters were concerned with the Prattville, Alabama, accident described in the "Discussion" section of the NPRM and felt that the evidence presented was nonsupportive or insufficient justification for the proposed AD. Further investigation by the FAA disclosed that the left wing main spar had deteriorated due to wood decay and that a previous structural repair of the spar had been improperly accomplished. The FAA concludes that improper repair of deteriorated wood structure was the primary cause of this accident and concurs that that accident alone is not justification for further action.

Some commenters were concerned that the new proof loads for the ailerons and flaps are excessive and that an exorbitant amount of time would be required to make the tests. Another commenter stated that the NPRM proposed complex repetitive inspections and proof load testing of the primary structure and urged the FAA to thoroughly investigate alternative solutions to the tests and inspections outlined in the NPRM. Several commenters considered the implementation cost of the proposed AD as significant and expressed concern. All information available at this time indicates that when the inspections are properly accomplished, wood deterioration in the empennages and wings is being discovered during compliance with the existing AD. Therefore, there is insufficent justification for placing additional test and inspection burdens on owners in

order to assure deterioration is found. Accordingly, the proposed requirements for additional inspections and wing control surfaces mounting point proof load tests have been withdrawn from the AD. However, there are areas in AD 76-15-01 where clarification of which components are to be inspected and how to inspect them is needed. Therefore, the new AD will retain the improved inspection descriptions proposed in the notice.

During the 15 years from 1971 to 1985 there were 10 structural failures on M20 airplanes. Eight of the 10 accidents occurred prior to the 1976 AD which requires repetitive proof load testing, inspection and repair of empennage structure and repetitive inspection, and if necessary, repair of wing structure. Since the 1976 AD, only two accidents have occurred, both of which involved wing failure. In one case the existing AD had apparently not been complied with and in the other case, the accident was due to improper repair of deteriorated wood structure in the wing.

The fact that some accidents of M20 and M20A airplanes attributed to inflight failure of deteriorated wood structure have occurred subsequent to the issuance of AD 76-15-01 confirms that the structure on some airplanes is in less than good condition. This is an ongoing problem that must be adequately addressed. At this time the FAA lacks information from which to determine how extensive the wood deterioration problem is in the M20 and M20A fleet. Information of this type is necessary along with accident data to determine if mandatory inspections and/or tests in addition to those required by this and previous AD action are needed to assure continued airworthiness of these airplanes. For these reasons, the inspection intervals of AD 76-05-01 are continued, and the improved inspection descriptions and the proposed one time reporting requirement retained in the new AD.

Therefore, the proposal is being adopted except for addition of some improved inspection descriptions, deletion of the aileron and flap mounting points proof loading and deletion of additional inspection requirements that were in addition to those intended in AD 76-15-01.

The FAA had determined there are approximately 352 airplanes that will be affected by this AD. The cost of inspecting these airplanes in accordance with this AD is unchanged from the previous AD with the exception of the expense of the one-time reporting requirement. This cost is so small that compliance with the AD will not have a significant financial impact on any small entities owning affected airplanes.

Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES:**"

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Mooney Aircraft Corporation: Applies to Models M20 and M20A (all serial numbers) airplanes certificated in any category.

Compliance: As indicated in the body of the AD.

To preclude structural failure due to deteriorated wooden structures, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, if AD 76-15-01 has not been previously complied with, or within 12 calendar months after the last 12 month repetitive inspection required by AD 76-15-01, whichever is applicable, and each 12 months thereafter accomplish the wood structure proof load tests, modifications and visual inspections specified in paragraphs (d), (e), (f) and (g) of this AD and repair all discrepancies found prior to further flight.

(b) The empennage proof load tests and modification and inspection requirements of paragraphs (a), (d) and (e) are not required on airplanes modified with an all-metal empennage installed per Mooney Service Bulletin (S/B) Kit No. M20-170-1.

(c) Within the six month after accomplishment of the inspections required by paragraph (a) of this AD, or within 12 calendar months after the last six month interval repetitive inspection required by AD 76-15-01 and each 12 months thereafter, whichever is applicable, accomplish the empennage and wing inspections specified in Parts II A, III 8, III 9, and III 10 of Mooney S/B No. M20-170A dated February 24, 1969, and repair all discrepancies found prior to further flight.

(d) On airplanes not equipped with an all-metal empennage, proof load test the empennage and supporting structure as follows:

(1) Apply proof loads to the vertical fin spar as shown in Figure 1 of this AD. Apply the load to the right side and then to the left side. Apply proof loads to the rudder hinges of the fin as shown in Figure 3 of this AD. Apply hinge proof loads to the right side and then to the left side.

(2) After the initial proof load testing in paragraph (d)(1) of this AD, at intervals not to exceed one year, apply the proof loads to the vertical fin spar and rudder hinges as shown in Figures 1 and 3 of this AD. Apply the loads in one direction only during each 12 month inspection cycle by applying the loads to the right side at the end of the first interval and alternating load direction similarly thereafter.

(3) If the empennage fails during the proof loading specified in paragraphs (d)(1) or (d)(2) of this AD, prior to further flight, replace the wood empennage with an all-metal empennage in accordance with the instructions contained in Mooney S/B Kit No. M20-170-1. The empennage is considered to have failed when complete separation of the vertical fin from the horizontal stabilizer occurs, fin spar cracks occur, the hinge separates or loosens from the fin, other wood failures occur, glue joint failures occur, or permanent deformation occurs as shown in Figure 2 of this AD.

(e) Modify and inspect the wood empennage as follows:

(1) If fin failure did not occur during the proof load application specified in paragraphs (d)(1) and (d)(2) of this AD, prior to further flight, modify the vertical fin and visually inspect the empennage as follows:

(i) Modify the vertical fin by adding inspection access holes and reinforcing straps in accordance with Parts IB and IC of Mooney S/B No. M20-170A dated February 24, 1969, unless previously accomplished.

(ii) Visually, and if necessary using the methods in paragraph (h) of this AD, inspect the empennage in accordance with S/B No. M20-170A dated February 24, 1969, Parts IA and II and repair any discrepancies found prior to further flight.

(f) Prepare the wing and wing carry-thru structure for inspection in accordance with instructions in Part III of Mooney S/B No. M20-170A dated February 24, 1969, and as follows:

(1) Remove the wing to fuselage fairings and fillets.

(2) Remove all the wing and center section access doors and panels. (Refer to Figure 5 of Mooney Service Bulletin (S/B) No. M20-170A).

(3) Remove the sealing tape at the wing-fuselage joint.

(4) Remove the rear seat and auxiliary fuel tank for access to the wing center section.

(5) Remove flag gap metal seal strips from the top trailing edge of both wings.

(6) Disconnect and remove the wing flaps and ailerons.

(g) Visually, and if necessary using the methods in paragraph (h) of this AD, inspect the wing and wing carry-thru structure and repair any discrepancies found prior to further flight in accordance with instructions in Part III of Mooney S/B No. 170A dated February 24, 1969, and as follows:

(1) Inspect the areas around wing to fuselage attach fittings for evidence of deterioration or joint separation.

(2) Inspect the flap and aileron attach bolts, bearings, bushings, and hinge fitting attach bolts and bushings for evidence of rust, corrosion, and wear. See Figure 6 in Mooney S/B No. M20-170A dated February 24, 1969.

(3) Visually inspect the wood end-grain surrounding bolt holes for evidence of rust, discoloration, deterioration, and evidence of moisture accumulation at the trailing edges of the wings.

(4) Visually inspect the rear stub spar for glue bond separations, water stains, and wood rot. If these inspections identify any questionable areas in which possible deterioration may exist in the concealed spar caps, prior to further flight, determine the condition of the internal spruce core in accordance with paragraph (h) of this AD. See Note 1 of this AD.

(5) Visually inspect all accessible areas of the main spar from the fuselage center line (BL 0.0) out to left and right wing station 59.25 for glue bond separations, water stains, and wood rot. If these inspections identify any questionable areas in which possible deterioration may exist in the concealed spruce spar prior to further flight determine the condition of the internal spruce core in accordance with paragraph (h) of this AD. See Note 1 of this AD.

(6) Visually inspect the accessible interior of the wing using a flashlight and mirror, for wood decay, water and/or wood stains, pooled dust/dirt which may indicate evidence of previous standing water, rust or corrosion on metallic surfaces, wood discoloration, and detectable moisture. See Note 1 of this AD.

(7) Inspect the upper and lower exterior surfaces of the wing, including the wheel well, for the following: See Note 1 of this AD.

(i) Indications that the wood immediately below the fabric is soft or contains excessive moisture (i.e., swollen). Soft wood may be located and/or confirmed by depressing the wing's surface in the vicinity of the area in question with a rounded, blunt instrument and comparing its hardness to that of good wood. Note that any areas being compared must have identical substructure.

(ii) Indications that the fabric/plant is delaminating from the wood surface (bubbles, discoloration, boils, soft spots and other surface flaws).

(iii) Cracks or breaks in the paint which could allow water to enter the wing.

(iv) Any other exterior damage which would allow water to penetrate the fabric/paint barrier and enter the wood.

(8) Visually inspect the rear spar in all areas it is accessible from the fuselage center line out to the left and right wing tips for wood rot, water stains in wood and glue joint separation. Pay special attention to the area around all flap and aileron hinge supports, including the support ribs, lower wing skins, spars and closeout strips at wing stations 22.0 and 147.0 (flap inboard and outboard hinge support ribs).

(9) Inspect all drain holes on the bottom of the wing to ensure they are completely open and free of burrs and/or pieces of fabric.

(10) Visually inspect the fuel scupper areas of the main and auxiliary fuel tank fillers for sealant condition between scupper boxes and wing structure.

(11) Check main and auxiliary fuel tank scupper drains to be sure they are not clogged.

(12) Visually inspect aileron and flap fabric covering under metal gap strips in accordance with Mooney S/B No. M20-29 dated December 4, 1957.

(13) Visually inspect the areas of the upper wing surface trailing edge under flap gap metal seals for fabric or wood deterioration. Be alert for deteriorated wood around screw holes used in holding the metal strip to the wing.

(14) Visually inspect, if necessary repair, and refinish the main landing gear wheel well area in accordance with Mooney S/B No. M20-67 dated February 15, 1960.

(h) If during any inspections specified in paragraphs (e) and (g) of this AD there are visual indications of wood deterioration below the surface, prior to further flight, inspect and test these areas to assure their structural integrity by using one or more of the following:

(1) Test for soft/decayed wood with a sharp probe such as an awl or sharp pocket knife.

(2) Disassemble the structure as necessary to gain access to the area and perform a detailed visual inspection.

(3) Tap the wood area in question with a small rounded blunt instrument approximately the size of a small pocket knife. Compare the sound to similar areas that are not suspect. Assuming similar understructure, an abrupt change in sound to a less or non-resilient sound may indicate decay below the surface.

(i) If significant structural repair of the wing main spar, rear spar or stub spar or any area of the wood empennage is found necessary as a result of the inspections and tests of the preceding paragraphs, prior to initiation of the repair, contact Mooney Aircraft Corporation, Post Office Box 72, Kerrville, Texas 78028; Telephone (512) 896-6000, or the local Mooney Aircraft Repair Center, or FAA Airplane Certification Office, ASW-150, FAA, Southwest Region, Post Office Box 1689, Fort Worth, Texas 76101; Telephone (817) 624-5164, to arrange for engineering review and approval of the repair design.

(j) Within 30 days after accomplishment of the first inspection required by paragraph (a) of this AD, the appropriately rated airframe mechanic who performed the inspection shall fill out and sign the one time reporting form included as Attachment 1 to this AD and mail it to the following address: DOT/FAA, Airplane Certification Branch, ASW-150, Post Office Box 1689, Fort Worth, Texas 76101.

(Reporting requirements approved by the Office of Management and Budget under control No. 2120-0056)

Note.—This is a one time only reporting requirement.

(k) An equivalent method of compliance with this AD may be used if approved by the Manager, Airplane Certification Branch, ASW-150, FAA, Southwest Region, Post Office Box 1689, Fort Worth, Texas 76101.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Mooney Aircraft Corporation, Post Office Box 72, Kerrville, Texas 78028, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Note 1.—The surface features described in the paragraphs of this AD may be accentuated by illuminating the surface with a light source at a shallow angle. The following technique may be used by an experienced inspector to detect soft and/or decayed wood in the wing spars. Tap the wing directly above and below the spars with a small rounded blunt instrument approximately the size of a small pocket knife. Start at the outboard end and move inboard, listening to the sound generated by the wing. The sound quality will change slowly. If the change is abrupt or if the sound is not resilient, the wood directly below the surface may be deteriorated due to decay.

Note 2.—Shelter—Owners and operators are encouraged to shelter the airplanes, to keep the airplane out of rain storms, and to protect the fabric surface from unnecessary exposure to the deteriorating effects of the sun.

Note 3.—Maintenance—Owners and operators are encouraged to be selective in who performs maintenance on their airplane. Only personnel extremely experienced in wood airplane inspection and repair should be contacted.

Note 4.—The inspection intervals required by this AD differ from the inspection intervals shown in Mooney Service Bulletin No. M20-170A. The intervals in this AD are the same as AD 76-15-01 which this AD supersedes.

Note 5.—Repairs to primary and secondary structure may be accomplished with reference to:

(A) FAA Advisory Circular No. 43-13-1A: Acceptable Methods, Techniques and Practices Aircraft Inspection and Repair, Department of Transportation, Federal Aviation Agency 1972; available through the Government Printing Office.

(b) ANC-18: Design of Wood Aircraft Structures, Chapter 4, Munitions Board Aircraft Committee June 1951.

(c) Mooney Aircraft Corporation Engineering Drawings; the specific drawings required will depend on the affected structural components.

(D) Mooney Service Bulletin No. M20-170A dated February 24, 1969.

Note 6.—Design of major repairs to primary wood structure (main and stub spars and ribs receiving loads such as landing gear loads or loads related to attachment of moveable control surfaces to fixed surfaces or attachment of fixed surfaces to the fuselage) should be reviewed and approved by Mooney Aircraft Corporation or an FAA Designated Engineering Representative having

appropriate ratings or by FAA Aircraft Certification Division engineers. This is not intended to apply to those situations wherein a deteriorated part is replaced with an entire new part of like design.

This AD supersedes AD 76-15-01, Amendment 39-2673.

This amendment becomes effective October 6, 1986.

Issued in Kansas City, Missouri, on August 21, 1986.

Edwin S. Harris,

Director, Central Region.

BILLING CODE 4910-13-M

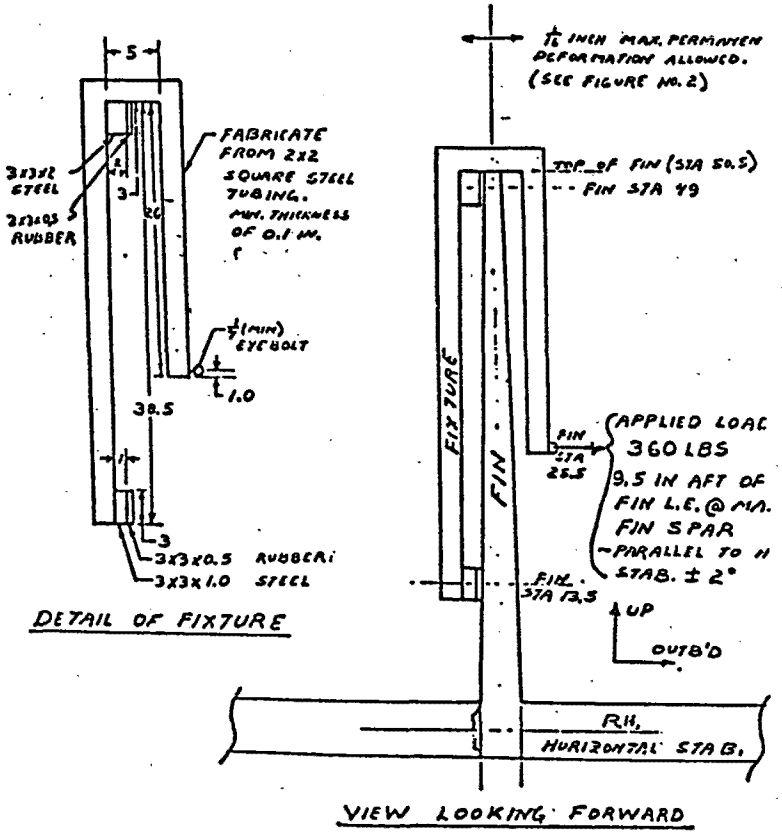


FIGURE NO. 1 - APPLICATION OF FIN SIDE PROOF LOAD ON MAIN SPAR

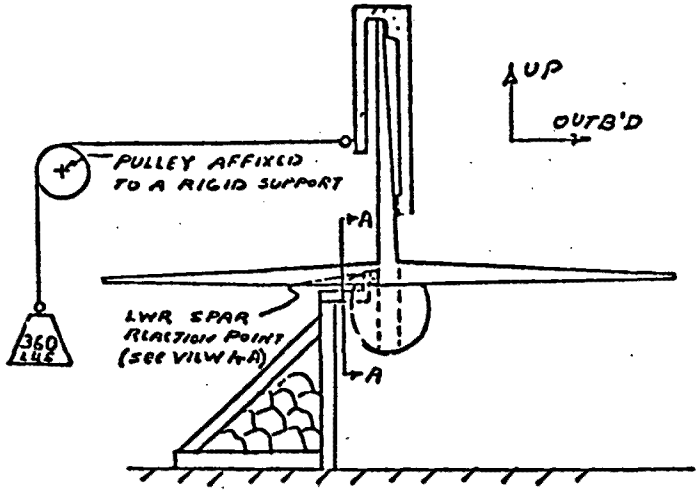
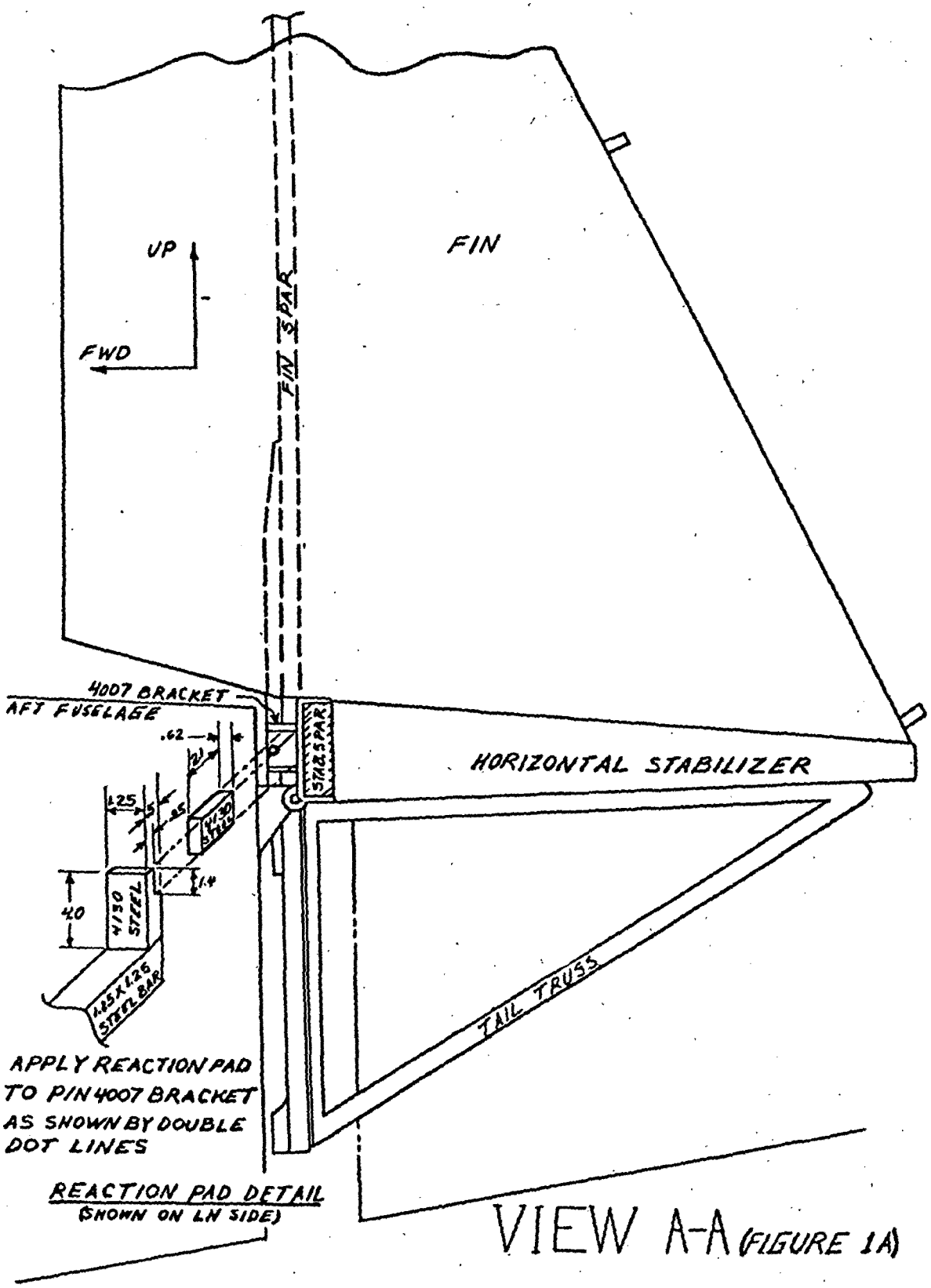


FIGURE 1A

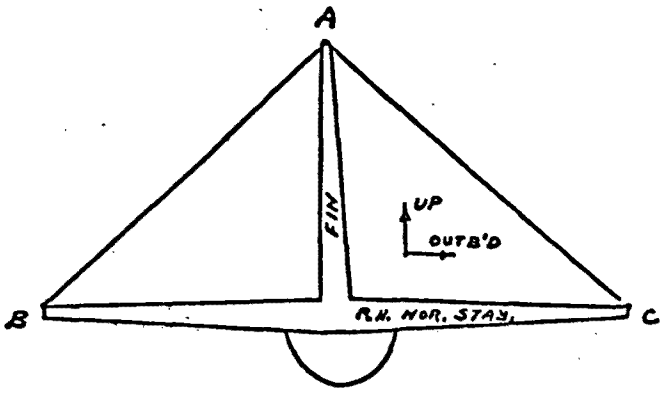
RECOMMENDED FIN PROOF LOAD METHOD (INCLUDING LOWER RESTRAINT)



VIEW A-A (FIGURE 1A)

NOTES:

1. MARK A POINT 'A' ON THE FIN TIP
2. MARK POINTS 'B' AND 'C' ON THE HORIZONTAL STAB. TIPS
3. MEASURE THE DISTANCES 'AB' AND 'AC' BEFORE AND AFTER APPLICATION OF LOADS SHOWN BY FIG. NO. 1
4. IF THE DISTANCE 'AB' MEASURED AFTER LOAD APPLICATION VARIES BY MORE THAN $\frac{1}{16}$ INCH FROM THE DISTANCE 'AB' MEASURED BEFORE LOAD APPLICATION, FAILURE IS CONSIDERED TO HAVE OCCURRED. A VARIATION OF MORE THAN $\frac{1}{16}$ INCH IN THE TWO 'AC' MEASUREMENTS ALSO CONSTITUTES FAILURE



VIEW LOOKING FORWARD

FIGURE NO. 2 - FIN PERMANENT DEFORMATION LIMITS

BILLING CODE 4910-13-C

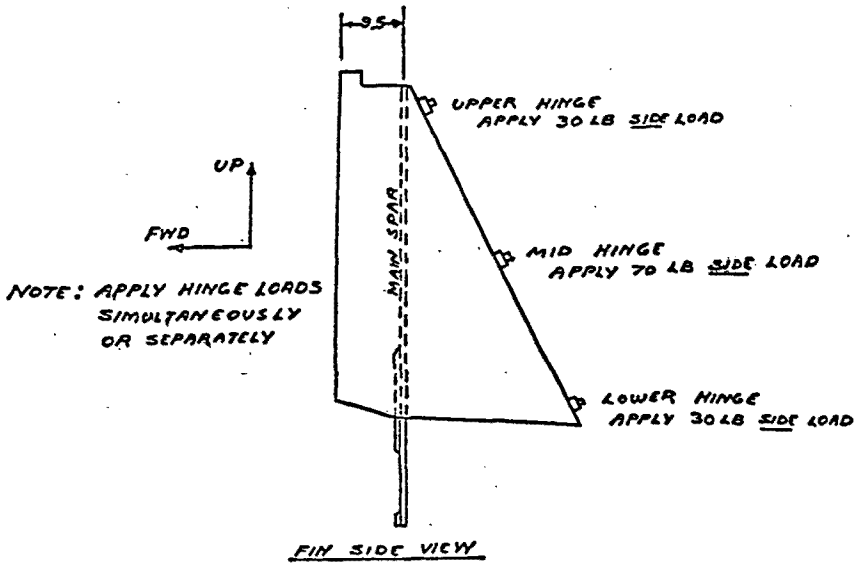


FIGURE NO. 3 - FIN-RUDDER HINGE SIDE PROOF LOAD APPLICATION

Attachment 1

Inspection Results Reporting Form, Mooney M20 and M20A Wood Structure Inspection.

I. Airplane Model No. ———, Serial No. ———.

II. Airplane N-Number ———.

III. Does the airplane have a metal empennage installed? Yes ——— No ———. If no, go to IV, if yes, skip to V.

IV. For airplanes that have the wooden empennage:

Did the visual inspection of the empennage result in discovery of any failed glue joints, rotted wood or delaminated wood? Yes ——— No ———. If yes, describe location and extent of problem.

Did the visual inspection of the empennage result in discovery of any deteriorated paint or fabric covering? Yes ——— No ———. If yes, describe location and extent.

Did the visual inspection of the empennage result in discovery of any indications of water inside the empennage? Yes ——— No ———. If yes, describe where it got in and where it pooled.

Did the empennage pass or fail the proof load tests of paragraph (d)? Yes ——— No ———.

This inspection and testing of the wood empennage on this airplane results in the conclusion that its overall general structural condition is: Poor ———; Fair ———; Good ———; Excellent ———.

Make any comments you wish to make about adding or deleting inspections and testing of the wood empennage on M20 and M20A airplanes:

V. Wing inspection results.

Did the visual inspection of the wing and wing carry-thru result in discovery of any failed glue joints, rotted wood or delaminated wood? Yes ——— No ———. If yes, describe location and extent of problem.

Did the visual inspection of the wing and wing-carry-thru result in discovery of any deteriorated paint, fabric covering plugged drain holes or deteriorated scupper box seals? Yes ——— No ———. If yes, describe problem, location and extent.

Did the visual inspection of the wing and wing carry-thru result in discovery of any indications of water inside the wing? Yes ——— No ———. If yes, describe where it got it and where it pooled.

This inspection of the wing on this airplane results in the conclusion that its overall general structural condition is: Poor ———; Fair ———; Good ———; Excellent ———.

Make any comments you wish to make about adding or deleting inspections of the wing on M20 and M20A airplanes:

Mechanics Name: ———
FAA Certificate Number: ———
Date: ———

[FR Doc. 86-19657 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 86-AWA-17]

Alteration of Jet Routes and Establishment of VOR Federal Airways; Expanded East Coast Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the descriptions of six Jet Routes and establish one new Federal Airway located in the states of Virginia, North Carolina, South Carolina and Georgia. This action is part of the Expanded East Coast Plan (EECP). The EECP's objective is to establish an improved air traffic system that is designed to reduce delays for aircraft en route to or departing from terminals in the eastern United States. The EECP is being implemented in several segments until completed.

EFFECTIVE DATE: 0901 UTC, October 23, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9254.

SUPPLEMENTARY INFORMATION:

History

On May 29, 1986, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter the descriptions of Jet Routes J-24, J-48, J-51, J-52, J-55, J-61, J-191 and establish new VOR Federal Airway V-577 and alter V-39 (51 FR 19360). Due to numerous technical problems Jet Route J-48 and Federal Airway V-39 did not pass flight check at this time and have been removed from this docket. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for removing J-48 and V-39 from this docket and except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations alter the descriptions of Jet Routes J-24, J-51, J-52, J-55, J-61, J-191 and establish new VOR Federal Airway V-577. Currently, east coast traffic flows are so saturated and compressed in the New York metropolitan area that substantial delays are experienced daily. The EECP would alleviate this congestion and would reduce delays to and from terminals in the eastern United States.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways and jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as amended (51 FR 2683), are further amended, as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-577 [New]

From Cedar Lake, NJ; INT Cedar Lake 091° and Sea Isle, NJ, 050° radials.

PART 75—[AMENDED]

3. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

4. Section 75.100 is amended as follows:

J-24 [Amended]

By removing the words "Charleston, WV; to Richmond, VA." and substituting the words "Charleston, WV, INT Charleston 101° and Richmond, VA, 286° radials; to Richmond."

J-51 [Revised]

From Jacksonville, FL, via Savannah, GA; Columbia, SC; INT Columbia 040° and Flat Rock, VA, 213° radials; to Flat Rock.

J-52 [Amended]

By removing the words "Columbia, SC; Raleigh-Durham, NC;" and substituting the words, "Columbia, SC; INT Columbia 040° and Raleigh-Durham, NC, 228° radials; Raleigh-Durham;"

J-55 [Amended]

By removing the words "INT of the Florence 007° and the Raleigh, NC, and the Raleigh-Durham, NC, 224° radials;" and substituting the words "INT Florence 003° and Raleigh-Durham, NC, 228° radials;"

J-61 [Revised]

From INT Wilmington, NC, 028° and Nottingham, MD, 174° radials; Nottingham; Westminster, MD; Philipsburg, PA; to Buffalo, NY.

J-191 [Amended]

By removing the words "Tar River, NC;"

Issued in Washington, DC, on August 22, 1986.

Harold M. Downey,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 86-19658 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 25069; Amdt. 91-195]

Flight Limitation in the Proximity of Space Flight Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects the reference to the Department of Defense (DOD) office in the FAA regulation restricting the flight of aircraft near space flight operations. The reference to "DOD Manager for Space Flight Operations" is changed to "DOD Manager for Space Transportation System Contingency Operations."

EFFECTIVE DATE: September 15, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Brent A. Fernald, Airspace and Air Traffic Rules Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Office of the Associate Administrator for Air Traffic, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-8626.

SUPPLEMENTARY INFORMATION:

The Rule

FAR § 91.102, Flight Limitation in the Proximity of Space Flight Operations, prohibits the operation of aircraft within areas designated by a Notice to Airmen (NOTAM) for space flight operations except when authorized by air traffic control (ATC), or operated under the operational control of the DOD Manager for Manned Space Flight Operations. This DOD office title has been changed to the "DOD Manager for Space Transportation System Contingency Support Operations." This amendment to the rule reflects this office title change but makes no substantive change to the regulation. Because this amendment involves only a minor technical amendment which would not be of particular interest to the public, I find that notice and public procedure under 5 U.S.C. 553 are unnecessary. For the above reasons, I find that good cause exists for making the amendment effective less than 30 days after publication.

For the reasons listed above, the FAA has determined that this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reasons, this rule will have no significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Aviation safety.

The Amendment

Accordingly, Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended as follows:

PART 91—[AMENDED]

1. The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. Section 91.102 is revised to read as follows:

§ 91.102 Flight limitation in the proximity of space flight operations.

No person may operate any aircraft of U.S. registry, or pilot any aircraft under the authority of an airman certificate issued by the Federal Aviation Administration within areas designated in a NOTAM for space flight operations except when authorized by ATC, or operated under the control of the Department of Defense Manager for Space Transportation System Contingency Support Operations.

Issued in Washington, DC, on August 25, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86-19662 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 86F-0018]

Indirect Food Additives; Adhesives and Components of Coatings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of dipentene-*beta*-pinene-styrene resins as tackifying agents used in the production of adhesives intended for use in food-packaging materials. This action responds to a petition filed by Arizona Chemical Co.

DATES: Effective September 2, 1986; objections by October 29, 1986.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register

of February 12, 1986 (51 FR 5262), FDA announced that a petition (FAP 6B3906) had been filed by Arizona Chemical Co., c/o 1150 17th St. NW., Washington, DC 20036, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of dipentene-*beta*-pinene-styrene resins as tackifying agents used in the production of adhesives intended for use in food packaging materials.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before October 2, 1986 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Food Safety and Applied Nutrition, Part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR Part 175 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 175.105(c)(5) by alphabetically inserting a new item in the list of substances to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
Dipentene-*beta*-pinene-styrene resins..	
* * * * *	

Dated: August 25, 1986

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-19678 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 85F-0233]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-s-triazine-2,4,6-(1*H*,3*H*,5*H*)-trione as a component of olefin copolymers intended for use as food-contact articles. This action responds to a petition filed by the B.F. Goodrich Co. (petition now the property of Ciba-Geigy Corp.).

DATES: Effective September 2, 1986; objections by October 2, 1986.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brown, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 9, 1985 (50 FR 28034), FDA announced that a petition (FAP 5B3862) had been filed by the B.F. Goodrich Co., Akron, OH 44318, proposing to amend the food additive regulations in 21 CFR 178.2010 to provide for the inclusion of a new use of 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-s-triazine-2,4,6-(1*H*,3*H*,5*H*)-trione as a component of olefin copolymers intended for use as food-contact articles. Ciba-Geigy Corp., Hawthorne, NY 10532, subsequently, purchased the rights to the petition.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in

the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. Under FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25), an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(1).

Any person who will be adversely affected by this regulation may at any time on or before October 2, 1986 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 178.2010 is amended in paragraph (b) by adding new limitation 4 and the Chemical Abstracts Service Registry number (CAS Reg. No.) for "3,5-*Di-tert*-butyl-4-hydroxyhydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-s-triazine-2,4,6-(1*H*,3*H*,5*H*)-trione," to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
3,5-Di-*tert*-butyl-4-hydroxyhydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-s-triazine-2,4,6-(1*H*,3*H*,5*H*)-trione (CAS Reg. No. 34137-09-2).	For use only: * * * 4. At levels not to exceed 0.25 percent by weight of olefin copolymers complying with § 177.1520(c) of this chapter, items 3.1, 3.2, 3.3, 3.4, 3.5, and 4.0.
* * * * *	

Dated: August 25, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc 86-19676 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Change of Sponsor Address

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor address for Sterivet Laboratories, Inc.

EFFECTIVE DATE: September 2, 1986.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 310-443-6243.

SUPPLEMENTARY INFORMATION: Sterivet Laboratories, Inc., 7230 Florence Blvd., Omaha, NE 68101, is sponsor of NADA 113-510 for Equipalazone® (phenylbutazone granules), which is used as an anti-inflammatory agent in horses. The firm advised FDA of a change of address. The agency is amending the regulations to reflect the change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) in the entry for "Sterivet Laboratories, Inc.," and in paragraph (c)(2) in the entry for "047408" by amending the sponsor address to read "7230 Florence Blvd., Omaha, NE 68101."

Dated: August 25, 1986.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-19681 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD 6010.8-R, Amdt. No. 1]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Liver Transplantation

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment to Final rule.

SUMMARY: This final rule provides for coverage by the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) of the costs of liver transplantation. The amendment states the principles by which coverage of liver transplantation will be provided, in keeping with Pub. L. 98-94, which amended title 10, chapter 55, United States Code, to provide for CHAMPUS coverage of liver transplant operations performed on and after July 1, 1983.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Reta M. Michak, Policy Branch, OCHAMPUS, telephone (303) 361-4078.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its Regulation, DOD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title. DOD Regulation 6010.8-R was reissued in the **Federal Register** on July 1, 1986 (51 FR 24008).

In FR Doc 85–15196 appearing in the **Federal Register** on June 25, 1985 (50 FR 26222), the Office of the Secretary of Defense published for public comment a proposed amendment regarding benefits for liver transplantation. The following summarizes the comments, suggestions and actions taken.

In the proposed rule, we stated that extrahepatic biliary atresia is a covered condition for patients who fail to respond to hepatoportoenterostomy (Kasai procedure). We agree that the criterion as written was too restrictive and we have therefore deleted the word "extrahepatic" and the phrase "for patients who fail to respond to hepatoportoenterostomy (Kasai procedure)."

The second condition read as follows: "Chronic active hepatitis except in the case of drug-induced chronic active hepatitis, which usually responds to the removal of the chemical agent, and hepatitis-B induced disease when viremia persists." Because of comments we have changed the wording to: "Chronic active hepatitis for patients who have almost no chance of survival beyond six months."

One commentor stated that the requirement that death from liver failure be imminent in patients with primary sclerosing cholangitis is too severe. That requirement has been deleted.

Another commentor recommended that the one-year abstinence from alcohol be deleted which would allow each potential recipient to be individually assessed as to the appropriate period of abstinence. That recommendation has also been accepted.

One comment noted that the 50 percent one-year survival rate is not very discriminating. Another comment suggested that in addition to the 50 percent one-year survival rate, there should be no indications of iatrogenic complications and the transplanted patient should be self-sustaining. We have considered both of these comments but have not made any changes as a result of these comments. The 50 percent one-year survival rate for ten patients is only one criterion that must be met for CHAMPUS approval as a liver transplant center. We feel that our survival rate criterion in addition to the other criteria that must be met will ensure that the centers we authorize will be qualified centers.

It was suggested that an additional criterion should include the institution's ability and willingness to systematically collect and share data on its transplant program. This criterion has been added.

Another comment noted that the requirement that various specialists be available implies that access to such specialists be on an *ad hoc* basis. It was therefore recommended that the wording be changed so that such specialists be on staff and actually complement a qualified transplantation team. We have accepted this recommendation.

It was also suggested that we add language to the effect that CHAMPUS shall not reimburse expenses for services and supplies for which the transplant center receives federal funds. CHAMPUS has a regulatory exclusion for services and supplies paid for, or eligible for payment directly or indirectly by a local, state or federal government, except for benefits provided under title XIX of the Social Security Act (Medicaid); therefore, it is not necessary to add that requirement to this rule.

An additional recommendation that CHAMPUS add a qualification that following brain death we will pay for services only after the donor's family has signed the necessary papers for excision of the donor organ, has also been accepted and incorporated in this final rule.

Technical Changes

We have also accepted several editorial suggestions to improve clarity and consistency. One technical change that we have made is to delete the requirement that the transplant center notify the Director, OCHAMPUS, upon the acceptance of a CHAMPUS beneficiary as a candidate for liver transplantation. We agree that this requirement is not necessary.

The Department of Defense Authorization Bill, 1984, Pub. L. 98–94, included language authorizing CHAMPUS to cover the costs of liver transplantation, including the costs of acquisition and transportation of the donated liver, retroactively effective for liver transplantation procedures performed on and after July 1, 1983. The amendment to title 10, chapter 55, United States Code, the basic statute governing CHAMPUS, provides that the Secretary of Defense, after consulting with the Secretary of Health and Human Services and other entities, will determine the persons who are appropriate candidates for liver transplantation and the health care facilities that are qualified to receive reimbursement for the procedure.

We have determined that the law requires that CHAMPUS benefits for liver transplantation services be available for all beneficiaries, regardless of age, who are suffering from irreversible liver injury, have exhausted alternative medical and surgical treatments, and are approaching the terminal phase of their illness. Guidelines for CHAMPUS coverage of liver transplants include the following conditions which have progressed to the point of end-stage liver failure:

Biliary atresia;

Chronic active hepatitis for patients who have almost no chance of survival beyond six months;

Primary biliary cirrhosis in the final stages of liver failure;

Inborn errors of metabolism which have caused end-stage liver damage or irreversible extrahepatic complications, including alpha$_1$ antitrypsin deficiency in children with Pi ZZ phenotype and adults with phenotype Pi ZZ, MZ, or SZ where evidence of hepatic failure is present; Wilson's disease unresponsive to chelation therapy with penicillamine; Crigler-Najjar syndrome, Type I; tyrosinemia; Byler's disease; Wolman's disease; glycogen storage disease, types O and IV; and certain genetic diseases associated with severe neurological complications, such as hereditary deficiency of urea cycle enzymes and disorders of lactate/pyruvate or amino acid metabolism;

Hepatic vein thrombosis (Budd-Chiari syndrome) in patients with severe hepatic decompensation, who have not responded to anticoagulation or appropriate surgery for portal decompression;

Primary hepatic malignancy confined to the liver but not amenable to resection; and

Alcoholic liver disease for patients who develop evidence of progressive liver failure despite appropriate medical treatment and cessation of alcohol abuse.

These guiding principles that CHAMPUS will follow in providing coverage for liver transplantation will be included in the CHAMPUS Policy Manual. This Policy Manual provides guidance, policy interpretations and decisions implementing the CHAMPUS.

Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires that each federal agency prepare and make available for public comment, a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. The Secretary certifies, pursuant to section 605(b) of Title 5, United States Code, enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this regulation amendment will not have a significant economic impact on a substantial number of small businesses, organizations or governmental jurisdictions.

We have determined that this Regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is not, therefore, a "major rule" under Executive Order 12291.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

PART 199—[AMENDED]

Accordingly, 32 CFR Part 199 is amended as follows:

1. The authority citation for Part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, 5 U.S.C. 301.

2. Section § 199.4 is amended by revising paragraph (e)(5)(iii)(B), adding paragraph (e)(5)(v), and revising paragraph (g)(67) as follows:

§ 199.4 Basic program benefits.

* * * * *

(e) * * *

(5) * * *

(iii) * * *

(B) With respect to kidney transplants, in most cases, Medicare (not CHAMPUS) benefits will be applicable. (Refer to 199.9 (e)(3)(vi), "Eligibility.")

* * * * *

(v) *Liver transplants.* Effective July 1, 1983, CHAMPUS benefits are payable for services and supplies related to liver transplantation under the following circumstances only:

(A) *Medical indications for liver transplantation.* CHAMPUS shall provide benefits for services and supplies related to liver transplantation performed for beneficiaries suffering from irreversible liver injury who have exhausted alternative medical and surgical treatments, who are approaching the terminal phase of their illness, and who are considered appropriate for liver transplantation according to guidelines adopted by the Director, OCHAMPUS.

(B) *Contraindications.* CHAMPUS shall not provide coverage if any of the following contraindications exist:

(*1*) Active alcohol or other substance abuse;

(*2*) Malignancies metastasized to or extending beyond the margins of the liver; or

(*3*) Viral-induced liver disease when viremia is still present.

(C) *Specific covered services.* CHAMPUS shall provide coverage for the following services related to liver transplantation:

(*1*) Medically necessary services to evaluate a potential candidate's suitability for liver transplantation, whether or not the patient is ultimately accepted as a candidate for transplantation;

(*2*) Medically necessary pre- and post-transplant inpatient hospital and outpatient services;

(*3*) Surgical services and related pre- and post-operative services of the transplant team;

(*4*) Services provided by a donor organ acquisition team, including the costs of transportation to the location of the donor organ and transportation of the team and the donated organ to the location of the transportation center;

(*5*) Medically necessary services required to maintain the viability of the donor organ following a formal declaration of brain death and after all existing legal requirements for excision of the donor organ have been met;

(*6*) Blood and blood products;

(*7*) Services and drugs required for immunosuppression, provided the drugs are approved by the United States Food and Drug Administration;

(*8*) Services and supplies, including inpatient care, which are medically necessary to treat complications of the transplant procedure, including management of infection and rejection episodes; and

(*9*) Services and supplies which are medically necessary for the periodic evaluation and assessment of the successfully transplanted patient.

(D) *Specific noncovered services.* CHAMPUS benefits will not be paid for the following:

(*1*) Services and supplies for which the beneficiary has no legal obligation to pay. For example, CHAMPUS shall not reimburse expenses that are waived by the transplant center, or for which research funds are available; and

(*2*) Out-of-hospital living expenses and any other non-medical expenses, including transportation, of the liver transplant candidate or family members, whether pre- or post-transplant.

(E) *Implementation guidelines.* The Director, OCHAMPUS, shall issue such guidelines as are necessary to implement the provision of this paragraph.

* * * * *

(g) * * *

(67) *Transportation.* All transportation except by ambulance, as specifically provided under paragraph (d), and except as authorized in paragraph (e)(5) of this section.

3. Section 199.6 is amended by adding a new paragraph (b)(4)(ii) and redesignating the existing paragraphs (b)(4)(ii) through (b)(4)(viii) as paragraphs (b)(4)(iii) through (b)(4)(ix).

§ 199.6 Authorized providers

* * * * *

(b) * * *

(4) * * *

(ii) *Liver transplantation centers.*

(A) CHAMPUS shall provide coverage for liver transplantation procedures performed only by experienced transplant surgeons at centers complying with the provisions outlined in paragraph (b)(4)(i) of this section and meeting the following criteria:

(*1*) The center is a tertiary care facility affiliated with an academic health center. The center must have accredited programs in graduate medical education related to the function of liver transplantation such as internal medicine, pediatrics, surgery, and anesthesiology;

(*2*) The center has an active solid organ transplantation program (involving liver transplants as well as other organs);

(*3*) The transplantation center must have at least a 50 percent one-year survival rate for ten cases. At the time CHAMPUS approval is requested, the transplant center must provide evidence that at least ten liver transplants have been performed at the center and that at least 50 percent of those transplanted patients have survived one year following surgery. A 50 percent one-year survival rate for all subsequent liver transplantations must be maintained for continued CHAMPUS approval;

(*4*) The center has allocated sufficient operating room, recovery room, laboratory, and blood bank support and a sufficient number of intensive care and general surgical beds and specialized staff for these areas;

(*5*) The center participates in a donor procurement program and network;

(*6*) The center systematically collects and shares data on its transplant program;

(*7*) The center has an interdisciplinary body to determine the suitability of candidates for transplantation on an equitable basis;

(*8*) The transplantation surgeon is specifically trained for liver grafting and must assemble and train a team to function whenever a donor liver is available;

(*9*) The transplantation center must have on staff board eligible or board certified physicians and other experts in the field of hepatology, pediatrics, infectious disease, nephrology with dialysis capability, pulmonary medicine with respiratory therapy support, pathology, immunology, and anesthesiology to complement a qualified transplantation team;

(*10*) The transplantation center has the assistance of appropriate microbiology, clinical chemistry, and radiology support;

(*11*) The transplantation center has blood bank support to accommodate normal demands and the transplant procedure; and

(*12*) The transplantation center includes the availability of psychiatric and social services support for patients and family.

(B) In order to receive approval as a CHAMPUS authorized liver transplant center, a center must submit a request to the Director, CHAMPUS, or a designee. The CHAMPUS authorized liver transplant center shall agree to the following:

(*1*) Bill for all services and supplies related to the liver transplantation performed by its staff and bill also for services rendered by the donor hospital following declaration of brain death and after all existing legal requirements for excision of the donor organ have been met; and

(*2*) The center shall agree to submit all charges on the basis of fully itemized bills. This means that each service and supply and the charge for each is individually identified.

* * * * *

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

August 27, 1986.

[FR Doc. 86-19745 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 286g

Defense Audiovisual Agency Implementation of the Privacy Act of 1974

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: Due to the disestablishment of the Defense Audiovisual Agency, this action is to remove Part 286g of the Code of Federal Regulations.

EFFECTIVE DATE: September 30, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Linda M. Lawson, Office of the Assistant Secretary of Defense, Washington Headquarters Services, The Pentagon, Washington, D.C. 20301-1155, telephone 697-4111.

List of Subjects in 32 CFR Part 286g

Privacy.

Accordingly, 32 CFR Part 286g is removed in its entirety:

PART 286g—DEFENSE AUDIOVISUAL AGENCY IMPLEMENTATION OF THE PRIVACY ACT OF 1974 [REMOVED]

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

August 27, 1986.

[FR Doc. 86-19744 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Anchorage, et al.

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Anchorage (LSD 36) and USS Mount Vernon (LSD 39) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval dock landing ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400. Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Anchorage (LSD 36) and USS Mount Vernon (LSD 39) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with their special function as naval dock landing ships. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these vessels in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above *forward* masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing *less than* required by Annex I, sec. 2 (a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward *quarter of* ship. Annex I, sec. 3(a)	Aft masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS ANCHORAGE	LSD 36	N/A	N/A	N/A	N/A	N/A	N/A	X	46
USS MOUNT VERNON	LSD 39	N/A	N/A	N/A	N/A	N/A	N/A	X	46

Dated: August 20, 1986.
Approved:
James F. Goodrich,
Acting Secretary of the Navy.
[FR Doc. 86-19692 Filed 8-29-86; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Butte et al.

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Butte (AE 27), USS Santa Barbara (CAE 28) USS Mount Hood (AE 29), USS Shasta (AE 33) and USS Mount Baker (AE 34) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval ammunition ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 18, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Butte (AE 27), USS Santa Barbara (AE 28), USS Mount Hood (AE 29), USS Shasta (AE 33) and USS Mount Baker (AE 34) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with their special function as Navy ships. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained. (Percent)
USS BUTTE	AE 27	N/A	N/A	N/A	N/A	N/A	N/A	X	97
USS SANTA BARBARA	AE 28	N/A	N/A	N/A	N/A	N/A	N/A	X	97
USS MOUNT HOOD	AE 29	N/A	N/A	N/A	N/A	N/A	N/A	X	99
USS SHASTA	AE 33	N/A	N/A	N/A	N/A	N/A	N/A	X	98
USS MOUNT BAKER	AE 34	N/A	N/A	N/A	N/A	N/A	N/A	X	97

Dated: August 18, 1986.
Approved:
John Lehman
Secretary of the Navy.
[FR Doc. 86-19695 Filed 8-29-86; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Cushing et al.

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Cushing (DD 985), USS Deyo (DD 989), and USS Fife (DD 991) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval destroyers. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 18, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Cushing (DD 985), USS Deyo (DD 989), and USS Fife (DD 991) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLRECS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead lights, without interfering with their special function as Navy ships. The Secretary of the Navy

has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS CUSHING	DD 985	N/A	N/A	N/A	N/A	N/A	X	X	46
USS DEYO	DD 989	N/A	N/A	N/A	N/A	N/A	X	X	46
USS FIFE	DD 991	N/A	N/A	N/A	N/A	N/A	X	X	48

Dated: August 18, 1986.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 86-19684 Filed 8-29-86;8:45am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Dale

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Dale (CG 19) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS DALE (CG 19) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light, Annex I, sec. 2(a)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	Aft masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
DSS DALE	OG 19	N/A	N/A	N/A	N/A	N/A	×	×	30

Dated: August 20, 1986.

Approved:

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 86-19688 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Duluth

AGENCY: Department of the Navy, DOD.

ACTION: Final Rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Duluth (LPD 6) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval amphibious transport dock. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 18, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS DULUTH (LPD 6) is a vessel of the Navy which, due to its special construction and purposes, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the afore-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I sec 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's lenght aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS DULUTH	LPD 6	N/A	N/A	N/A	N/A	N/A	N/A	X	50

Dated: August 18, 1986.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 86-19696 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Harry W. Hill, et al.

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Harry W. Hill (DD 986) and USS Fletcher (DD 992) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval destroyers. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Harry W. Hill (DD 986) and USS Fletcher (DD 992) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead lights, without interfering with their special function as Navy ships. The Secretary of the Navy has also certified that the afore-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships'

ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I sec.2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS HARRY W. HILL	DD 986	N/A	N/A	N/A	N/A	N/A	×	×	46
USS FLETCHER	DD 992	N/A	N/A	N/A	N/A	N/A	×	×	48

Dated: August 20, 1986.

Approved:

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 86-19686 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Iwo Jima, et al.

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Iwo Jima (LPH 2) Class ships are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special functions as naval amphibious assault ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Iwo Jima (LPH 2) Class ships are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of this ship and the horizontal distance between the forward and after masthead lights, without interfering with their special functions as Navy ships. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	After masthead light less than 4.5 meters above forward masthead light. Sec 2 (a) (ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b).	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS IWO JIMA	LPH 2	X	N/A	N/A	N/A	N/A	X	X	12
USS OKINAWA	LPH 3	X	N/A	N/A	N/A	N/A	X	X	13
USS GUADALCANAL	LPH 7	X	N/A	N/A	N/A	N/A	X	X	11
USS GUAM	LPH 9	X	N/A	N/A	N/A	N/A	X	X	11
USS TRIPOLI	LPH 10	X	N/A	N/A	N/A	N/A	X	X	12
USS NEW ORLEANS	LPH 11	X	N/A	N/A	N/A	N/A	X	X	10
USS INCHON	LPH 12	X	N/A	N/A	N/A	N/A	X	X	11

Dated: August 20, 1986.

Approved:

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 86-19687 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS John Young, et al.

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS John Young (DD 973), USS Merrill (DD 976), USS O'Bannon (DD 987), and USS Thorn (DD 988) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval destroyers. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 18, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS John Young (DD 973), USS Merrill (DD 976), USS O'Bannon (DD 987), and USS Thorn (DD 988) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead lights, without interfering with their special function as Navy ships. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters avove forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a).	Percentage horizontal separation attained.
USS JOHN YOUNG	DD 973	N/A	N/A	N/A	N/A	N/A	X	X	46
USS MERRILL	DD 976	N/A	N/A	N/A	N/A	N/A	X	X	45
USS O'BANNON	DD 987	N/A	N/A	N/A	N/A	N/A	X	X	46
USS THORN	DD 988	N/A	N/A	N/A	N/A	N/A	X	X	46

Dated: August 18, 1986.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 86-19690 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Moosbrugger et al.

AGENCY: Department of The Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Moosbrugger (DD 980) and USS Leftwich (DD 984) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval destroyers. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Moosbrugger (DD 980) and USS Leftwich (DD 984) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead lights, without interfering with their special function as Navy ships. The Secretary of the Navy has also certified that the aforementioned lights are located in

closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these vessels in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS MOSSBRUGGER	DD 980	N/A	N/A	N/A	N/A	N/A	X	X	46
USS LEFTWICH	DD 984	N/A	N/A	N/A	N/A	N/A	X	X	46

Dated: August 18, 1986.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 86-19691 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Norton Sound

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Norton Sound (AVM 1) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval guided missile ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 19, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Norton Sound (AVM 1) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(j)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS NORTON SOUND	AVM 1	N/A	N/A	N/A	N/A	N/A	N/A	X	74

Dated: August 19, 1986.
Approved:
John Lehman,
Secretary of the Navy.
[FR Doc. 86-19694 Filed 8-29-86; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS OGDEN, et al.

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Ogden (LPD 5), USS Nashville (LPD 13), and USS Trenton (LPD 14), are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS wihtout interfering with their special function as naval amphibious transport dock ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 18, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Ogden (LPD 5), USS Nashville (LPD 13), and USS Trenton (LPD 14) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with their special function as Navy ships. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessels:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward mast-head light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS OGDEN	LDP 5	N/A	N/A	N/A	N/A	N/A	N/A	X	51
USS NASHVILLE	LDP 13	N/A	N/A	N/A	N/A	N/A	N/A	X	48
USS TRENTON	LDP 14	N/A	N/A	N/A	N/A	N/A	N/A	X	41

Dated: August 18, 1986.
Approved:
John Lehman,
Secretary of the Navy.
[FR Doc. 86-19697 Filed 8-29-86; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Preble

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Preble (DDG 46) is a vessel of the Navy which, due to its special construction and purpose, cannot fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 18, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Preble (DDG 46) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretry of the Navy has also certified that the afore-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment

for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I,	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS PREBLE	DOG 46	N/A	N/A	N/A	N/A	N/A	X	X	24

Dated: August 18, 1986.
Approved:
John Lehman,
Secretary of the Navy.
[FR Doc. 86-19689 Filed 8-29-86; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Raleigh

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Raleigh (LPD 1) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval amphibious transport dock ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 18, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Raleigh (LPD 1) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the afore-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 31 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS RALEIGH	LPD 1	N/A	N/A	N/A	N/A	N/A	N/A	X	44

Dated: August 18, 1986.
Approved:
John Lehman,
Secretary of the Navy
[FR Doc. 86-19685 Filed 8-29-86; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS Sylvania

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS *Sylvania* (AFS 2) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval combat store ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy; Admiralty Counsel, Office of the Judge Advocate General; Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400; Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS *Sylvania* (AFS 2) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizonatal distance between the forward and after masthead lights, without interfering with its special function as Navy ship. The Secretary of the Navy has also certified that the afore-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of §706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS SYLVANIA	AFS 2	N/A	N/A	N/A	N/A	N/A	N/A	X	99

Dated: August 20, 1986.
Approved:
James F. Goodrich,
Acting Secretary of the Navy.
[FR Doc. 86-19693 Filed 8-29-86; 8:45 am]
BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 86-36]

Drawbridge Operation Regulations; Florida

AGENCY: Coast Guard, DOT.
ACTION: Final rule revocation.

SUMMARY: This amendment revokes the specific requirements relating to the operation of the New Pass bridge, mile 0.0, Sarasota County, Florida, because the bridge is being replaced.

EFFECTIVE DATE: This revocation is effective on October 1, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Lee, (305) 536-4103.

SUPPLEMENTARY INFORMATION: This rule was not preceded by a notice of proposed rulemaking because it deletes a provision which on its face was to have expired on May 1, 1985. The deletion of this provision is in the public interest as it enhances navigability of the waterway. Therefore notice and public procedure thereon are unnecessary.

Drafting information

The drafters of these regulations are Mr. Wayne Lee, Chief, Bridge Section, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion

The existing regulations provide that the New Pass bridge need not be opened for the passage of vessels until the replacement bridge at that location is opened to highway traffic on May 1, 1985. Completion of the replacement bridge has been delayed several times and the old bridge has, therefore, remained closed to navigation. The Florida Department of Transportation has reported that the new bridge at New Pass will be opened to traffic in September 1986.

At that time, the current regulations no longer will be required and, therefore, are being revoked.

Economic Assessment and Certification

This rule is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this rule is expected to be so minimal that further evaluation is unnecessary. We conclude

this because the rule merely deletes a provision from the regulations which already was due to expire in May 1985.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g).

§ 117.311 [Removed]

2. Section 117.311 is removed.

Dated: August 25, 1986.

M.J. O'Brien,

Captain, U.S. Coast Guard; Commander, Seventh Coast Guard District, Acting.

[FR Doc. 86–19718 Filed 8–29–86; 8:45 am]

BILLING CODE 4910–14

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33 CFR Part 117

[CGD8–86–02]

Drawbridge Operation Regulations; Bayou Petit Caillou, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Terrebonne Parish Consolidated Government, Houma, Louisiana, the Coast Guard is changing the regulation governing the operation of the vertical lift span bridge (DuPlantis Bridge) over Bayou Petit Caillou, mile 29.9, near Bourg, Terrebonne Parish, Louisiana, by permitting the draw to remain closed at all times and to open when at least four hours notice is given. This change is being made because of infrequent requests to open the draw. This action will relieve the bridge owner of the burden of having a person available at the bridge, and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on October 2, 1986.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: On 19 June 1986, the Coast Guard published a proposed rule (51 FR 22312) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 24 June 1986. In each notice interested persons were given until 4 August 1986 to submit comments.

Drafting Information

The drafters of this regulation are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Comments

No objections to the change were received in response to the notice.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this regulation has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that few vessels pass through the bridge as evidenced by the 1985 bridge opening statistics. The vessels that pass can reasonably give four hours notice for a bridge opening by placing a collect call to the bridge owner at any time from ashore or afloat. Mariners requiring the bridge openings are mainly repeat users of the waterway and scheduling their arrival at the bridge at the appointed time should involve little or no additional expense to them. The four hours advance notice for opening the draw would be given by placing a collect call at any time to the Terrebonne Parish Consolidated Government at (504) 868–3000, or to (504) 873–6734 between the hours of 7:00 a.m. and 4:30 p.m. From afloat, this contact may be made by radiotelephone through a public coast station. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

List of Subject in 33 CFR Part 117

Bridges.

Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.475 is revised to read as follows:

§ 117.475 Little (Petit) Caillou Bayou.

(a) The draws of the S58 bridge, mile 25.7 at Sarah, and the Terrebonne Parish (Smithridge) bridge, mile 26.6 near Montegut, shall open on signal; except that, from 9 p.m. to 5 a.m., the draws shall open on signal if at least 12 hours notice is given.

(b) The draws of the Terrebonne Parish (DuPlantis) bridge, mile 29.9 near Bourg, and the S24 bridge, mile 33.7 at Presquille, shall open on signal if at least four hours notice is given. The draws shall open on less than four hours notice for an emergency, and shall open on signal should a temporary surge in waterway traffic occur.

Dated: August 18, 1986.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard; Commander, Eighth Coast Guard District.

[FR Doc. 86–19719 Filed 8–29–86; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD7 86–28]

Safety Zone; Blount Island Terminal St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone around specific portions of the Jacksonville Port Authority's Blount Island Terminal, Jacksonville, Florida, a facility of particular hazard, and will restrict access to the Blount Island Terminal facility bordering the St. Johns River including all land within 100 yards and all water within 200 yards of the shoreline. The zone is required to safeguard innocent persons from injury, innocent vessels from damage and to prevent interference with safe cargo handling operations of military explosives aboard Maritime Prepositioning Ships while they are moored at the St. Johns River at berth 12, Blount Island Terminal Jacksonville, Florida. These vessels are required to support U.S. forces overseas in a military emergency.

Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on September 28, 1986. Comments must be received before 01 September 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander H. Henderson, c/o Commanding Officer, USCG Marine Safety Office, 2831 Talleyrand Avenue,

Jacksonville, FL 32206, Tel: 904–791–2648.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation because it involves military or foreign affairs of the United States and is exempt under 5 U.S.C. 553(a)(1) from notice and comment requirements.

Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in the preamble. Commentors should include their name and address, identify the docket number for the regulation, and give the reason for their comments. Receipt of comments will be acknowledged if a self-addressed postcard or envelope is enclosed. Based upon comments received, the regulation may be changed.

Drafting Information

The drafter of this regulation is Lieutenant H. Henderson, Project Officer, U.S. Coast Guard Marine Safety Office, Jacksonville, Florida, and Project Attorney Lieutenant Commander Stanley T. Fuger JR, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The zone is required to protect the environment and public, and assure safe operations aboard Maritime Prepositioned Ships moored at berth 12 Blount Island Terminal Jacksonville, Florida. Each of these vessels will carry approximately 1,000,000 net pounds of military explosives. Operations in Jacksonville will be conducted monthly starting September 1986 and run indefinitely. These vessels are part of the U.S. Department of Defense logistics chain required to support U.S. forces overseas in a military emergency.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: (33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–6 and 160.5)

2. A new § 165.728 is added to read as follows:

§ 165.728 Vicinity, Jacksonville Port Authority Blount Island Terminal Jacksonville, Florida-safety zone.

(a) The water, land, and land and water within the following boundaries are a safety zone—100 yards in all directions on land and 200 yards in all directions on water from the most southwest point of berth 6 to the most southeast point of berth 12 at Blount Island Terminal Jacksonville, Florida.

(b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever Maritime Prepositioned Ships are moored at berth 12, Blount Island Terminal.

(c) COTP Jacksonville, Florida closes the safety zone or specific portions of it, by means of locally promulgated notices. The closing of an area is signified by the display of a rotating yellow light located on the waterfront at berth 12, Blount Island Terminal. Appropriate Local Notices to Mariners will also be broadcast on 2670 KHZ.

Dated: August 25, 1986.

M. Woods,

Captain, U.S. Coast Guard; Captain of the Port, Jacksonville, Florida.

[FR Doc. 86–19720 Filed 8–29–86; 8:45 am]

BILLING CODE 4910–14

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33 CFR Part 165

[CGD7 86–29]

Security Zone: Blount Island Terminal St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone around specific portions of the Jacksonville Port Authority's Blount Island Terminal, Jacksonville, Florida, a facility of particular hazard, and will restrict access to the Blount Island Terminal facility bordering the St. Johns River including all land within 100 yards and water within 200 yards of the shoreline. The zone is necessary for protection of vital United States assets aboard Maritime Prepositioning Ships while they are moored at berth 12, Blount Island Terminal Jacksonville, Florida on the St. Johns River. These vessels are required to support U.S. forces overseas in a military emergency.

Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on September 28, 1986. Comments must be received before 01 September, 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander H. Henderson, c/o Commanding Officer, USCG Marine Safety Office, 2831 Talleyrand Avenue, Jacksonville, FL 32206, Tel: 904–791–2648.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation because it involves military or foreign affairs of the United States and is exempt under 5 U.S.C. 553(a)(1) from notice and comment requirements.

Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under **"ADDRESS"** in the preamble. Commenters should include their name and addresses, identify the docket number for the regulations and give the reason for their comments. Receipt of comments will be acknowledged if a self-addressed postcard or envelope is enclosed. Based upon comments received, the regulation may be changed.

Drafting Information

The drafter of this regulation is Lieutenant Commander H. Henderson, Project Officer, U.S. Coast Guard Marine Safety Office, Jacksonville, Florida, and Project Attorney, Lieutenant Commander Stanley T. Fuger Jr, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The zone is required to protect U.S. Maritime Prepositioned Ships against covert or subversive threats while moored at berth 12, Blount Island Terminal Jacksonville, Florida. Each of these vessels will carry approximately 1,000,000 net pounds of military explosives. Operations in Jacksonville will be conducted monthly starting September 1986 and run indefinitely. These vessels are part of the U.S. Department of Defense logistics chain required to support U.S. forces overseas in a military emergency.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: (33 U.S.C. 1225 and 1231; 50 U.S.C 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5)

2. A new § 165.729 is added to read as follows:

§ 165.729 Vicinity, Jacksonville Port Authority Blount Island Terminal Jacksonville, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are a security zone—100 yards in all directions on land and 200 yards on water from the most southwest point of berth 6 to the most southeast point of berth 12 at Blount Island Terminal Jacksonville, Florida.

(b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever Maritime Prepoistioned Ships are moored at berth 12 Blount Island Terminal.

(c) COTP Jacksonville, Florida closes the security zone or specific portions of it by means of locally promulgated notices. The closing of the area is signified by the display of a rotating yellow light located on the waterfront at berth 12, Blount Island Terminal. Appropriate Local Notices to Mariners will also be broadcast on 2670 KHZ.

Dated: August 25, 1986.

M. Woods,

Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, Florida.

[FR Doc. 86–19721 Filed 8–29–86; 8:45 am]

BILLING CODE 4910–14–M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 800

Protection of Historic Properties

AGENCY: Advisory Council on Historic Preservation.

ACTION: Final rule.

SUMMARY: On October 15, 1985, the Council published proposed revisions to its regulations implementing section 106 of the National Historic Preservation Act. This final rulemaking establishes the Council's revised regulations governing the process of review and comment upon federally supported undertakings that affect historic properties. These final regulations supersede the Council's existing section 106 regulations.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT: John M. Fowler, Acting Executive Director, Advisory Council on Historic Preservation, Room 809, 1100 Pennsylvania Ave., NW., Washington, DC 20004 (202) 786–0503.

SUPPLEMENTARY INFORMATION: The Council published proposed revisions to its existing regulations on pages 41828–41833 of the **Federal Register** of October 15, 1985, and invited comments for 60 days, followed by a 30-day extension period ending January 15, 1986. The purpose of the proposed changes is to reduce regulatory burdens and paperwork, increase flexibility of compliance with section 106, and generally streamline the administrative process. An appropriate degree of Council involvement is maintained in the process, while encouraging State- and local-level decisionmaking and providing a reasonable opportunity for public participation. The Council received 240 comments from Federal agencies, State and local governments, preservation organizations, businesses, Indian representatives, and individuals. The full Council met to consider and discuss all the comments. The Council organized the comments into nine major areas. These areas of concern and the Council's response to them follow.

The Council has determined that these amendments are not "major rules" within the meaning of Executive Order 12291. Because the revised regulations expedite the current commenting process under section 106 of the National Historic Preservation Act, they will not cause increases in costs for local government agencies and will not have significant adverse effects on competition, employment, or investment. These amendments were submitted to the Office of Management and Budget 10 days prior to publication.

Pursuant to 36 CFR Part 805, "National Environmental Policy Act Implementation Procedures," the Council has determined that an Environmental Impact Statement is not required.

The Council has determined there are no information collection reporting or recordkeeping requirements in these revised regulations that require Office of Management and Budget approval under the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

It should be noted that special regulations governing section 106 requirements for Urban Development Action Grant Projects, currently set forth in 36 CFR Part 800, will be amended in the future.

Major Comments

1. *Comment:* The proposed regulatory revisions, particularly in sections 800.5 and 800.6, reduce the effectiveness of the Council's role in the consultation and commenting processes.

To streamline the process and eliminate potential for delay of a project by the Council, the proposed regulations made several revisions to the Council's current role. First, the Council was given an optional role in the consultation process, the objective being to encourage the resolution at the Agency Official-State Historic Preservation Officer (SHPO) level and to conserve Council resources. Second, agencies could terminate the consultation process at any time after initiating discussions with the SHPO on ways to reduce or avoid effects on historic properties. This was intended to avoid agencies being delayed by the consultation process and forced to reach agreement. Finally, time limits were imposed on the Council when it reviewed Memoranda of Agreement and provided comments.

Many commenters viewed these provisions as weakening the Council's role in the process and lessening the level of protection afforded to historic properties. While many commenters applauded the increased reliance on agency-SHPO negotiation and agreement, there was a recurring concern that the Council had removed itself too far from the consultation. Concern over the termination of consultation provision was particularly widespread. The proposed language was viewed as discouraging agencies from resolving preservation/development conflicts through consultation. Finally, while a number of commenters, notably Federal program agencies and their State counterparts, supported the notion of time limits on Council action, many commenters, including some of those agencies, felt the time limits were too short and inflexible.

In response, changes were made in the final regulations. While the emphasis on agency-SHPO consultation has been maintained, minor revisions have been made in the Council's relation to the consultation process, allowing for greater involvement when necessary (§ 800.5(e)). Agencies are also required to notify the Council when consultation is initiated (§ 800.5(e)). Language regarding termination of consultation has been revised to extend the authority to terminate to the SHPO and the Council and has been recast to

encourage, rather than discourage, agencies from using the consultation process (§ 800.5(e)(6)). The Council retained the fixed time limits on its actions as one of the fundamental objectives of regulatory reform (§ 800.6), but modified the 60-day limit on the Council set forth in § 800.6(b) to apply only when requested by an agency.

2. *Comment:* Revisions to the criteria of effect and associated procedural changes would make the section 106 process more complicated and less effective.

One of the initial objectives of the Council's regulatory reform was to eliminate the negative tone in the existing regulations, an example of which was the term "adverse effect." Some agencies objected to characterizing their actions, which they obviously felt were beneficial, as having "adverse effects." For example, rehabilitation projects, the effects of which were clearly beneficial to historic properties, typically had some impact on historic fabric and, therefore, were technically "adverse."

While many commenters supported those objectives, a far greater number expressed dissatisfaction with how the regulations were changed to achieve them. A widespread comment was objection to Council review of the new "no effect" determination. When the definition of "effect" was changed to eliminate the need for a separate determination of "adverse effect," a situation was created in which a substantial number of marginal cases that now are treated as "no adverse effect" and are submitted to the Council for review could fall into the "no effect" category. To monitor such cases to avoid misuse, a provision was established for notification of the Council in "no effect" cases. However, this requirement extended to a large number of cases that are not seen by the Council under the current "no effect" determination. Commenters noted that this would introduce a new review step, which most felt was unnecessary. In fact, this was one of the most commented upon revisions, and comments were overwhelmingly negative.

Another large group of commenters, primarily user agencies and SHPO's, expressed concern over elimination of the "no adverse effect" determination, a procedural device used for quick processing of simple cases with a minimum of paperwork. Commenters did not want this to be replaced by the more involved Memorandum of Agreement process.

In response, the Council has reinstated the distinction between "effect" and "adverse effect." Changes to the criteria (§ 800.9) and the process (§ 800.5(b)–(d)) have been made to achieve this, similar to the existing criteria and process. Council review of no effect determinations has been eliminated. Several innovations have been made to streamline the no adverse effect determination procedure and to meet the original objectives of reform. First, review of no adverse effect determinations, at agency discretion, is assigned to either the SHPO or the Council (§ 800.5(d)), rather than requiring all such findings to be submitted to the Council for 30-day review. Second, the criteria themselves have been revised for clarity (§ 800.9). Finally, a category of exceptions, covering such things as rehabilitation, has been created (§ 800.9(c)) so that certain kinds of projects need not be labeled and processed as adverse effect cases. Provision has also been made for a more flexible approach to no adverse effect determinations, allowing the Council and the agency to negotiate what would otherwise be an adverse effect situation into one that qualifies for expedited no adverse effect review (§ 800.5(d)(2)).

3. *Comment:* Proposed regulatory language and procedures that introduce new terminology and concepts would complicate compliance and require retraining, often without any clear increase in efficiency.

The proposed regulations contained many introductions of new language and processes to eliminate some of the negative elements of the current regulations, to use simpler language for increased clarity, and to introduce more flexibility in agency application of the regulations.

A large number of commenters, expecially those Federal agencies and SHPO's who work regularly with the regulations, expressed reservations about new terminology or new procedures without any demonstrable improvement in clarity or efficiency. They noted that the terminology and basic structure of the current section 106 process have been in place since 1974. Both Federal and State agencies noted the substantial investment in the development of internal procedures for compliance with section 106 and in the education of staff. Likewise, the interaction among the Council, SHPO's and agency officials on a daily basis has led to a widespread understanding of current terminology and attendant procedural steps. Recalling the amount of time and effort required to reach this level of understanding, a sizable number of commenters felt that introduction of new terms and procedures would cause a disruption in smooth operations, resulting in increased costs and delays.

The changes that cause this concern included the elimination of the distinction between "effect" and "adverse effect," which in turn abolished the current procedure for no adverse effect and conditional no adverse effect determinations; changes in the Council's participation in the consultation process; elimination of certain definitions such as "area of potential environmental impact"; changes in the existing Memorandum of Agreement process; and numerous minor changes in language, terminology, and section renumbering. Commenters felt that the proposed regulations created the perception of new regulatory processes that would require widespread retraining.

The Council was sensitive to these comments as it redrafted the regulations. In response, the concept of "effect"/"adverse effect" and associated procedures were reinstated in a streamlined manner (§ 800.5(d)). In modified form, the "conditional no adverse effect" device was revised (§ 800.5(d)(2)) and "area of potential effects" added to definitions (§ 800.2(c)). In other places, editing has taken place, with the objective of introducing new words, phases, and processes only where necessary to meet specific requirements of regulatory reform. The Council believes the result is to integrate innovative concepts and procedures into a document that maintains familiar reference points for users.

4. *Comment:* The regulations lack sufficient guidance and clear standards for the identification and evaluation of historic properties.

The proposed regulations moved to a more general statement of agency responsibilities for identifying and evaluating historic properties. The emphasis was more on process (e.g., who to contact, etc.) rather than specific technique. Reliance for detailed guidance in these areas was placed on the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, which are quite specific but nonbinding. Commenters from both the preservation community and user agencies requested more specificity and guidance on this aspect of the process.

In response, §§ 800.4(a) and 800.4(b) have been redrafted to more clearly state the Council's expectations for agency identification efforts. However, the Council continues to believe detailed guidance in these areas should be set forth in nonregulatory material. Accordingly, the Council intends to

work with Interior to provide nonbinding guidance to assist agencies in meeting their identification responsibilities under section 106.

5 *Comment:* The language of the proposed regulations is ambiguous and unclear in many places, lacking specificity and guidance for the user.

The Council's regulations are general-purpose regulations, intended to apply to all kinds of undertakings, all kinds of effects, and all kinds of historic properties. The proposed revised regulations used general language to permit flexibility in the application of the regulations.

Many commenters, viewing the proposed process from the perspective of their undertakings and the kinds of effects and properties with which they are familiar, objected to the changes of language, commenting that the proposed regulations were too general, or ambiguous and unclear. Thus, land-management agencies raised concerns about procedural steps and consultation with the public; urban citizen organizations sought more procedural safeguards and public participation; oil and gas companies wanted "avoidance" discussed, a matter relevant to them, but meaningless in an urban development context; and applicants for Federal assistance and permits requested a specific role in the process.

In response, the Council undertook to introduce more precision to the regulations while retaining the general principles of regulatory flexibility and economy of language. Throughout the final regulations, the Council has refined language to meet specific concerns raised by commenters. In particular, § 800.1(c) has been extensively rewritten to better spell out the roles of participants in the section 106 process, including the public.

6. *Comment:* Regulatory flexibility is desirable, but the language proposed in § 800.3 was vague.

The Council has endorsed the principle of flexible application of the Section 106 regulations as fundamental to regulatory reform. It specifically asked commenters whether the policy formulation in the proposed regulations at § 800.3 accomplished the Council's purposes. Many commenters applauded the notion of regulatory flexibility but felt that the language as proposed was vague. Others expressed concern that the notion of "substantial fulfillment" would encourage agencies to disregard the regulations. Commenters were nearly all in agreement that the section needed to be redrafted.

In response, the Council revised the language to retain but clarify the concept of regulatory flexibility. The term "substantial fulfillment" was deleted. As noted in the preamble to the proposed regulations, the Council continues to be concerned that its regulations primarily be of assistance to Federal agencies in complying with section 106 and not be the source of unwarranted litigation regarding insubstantial procedural details.

7. *Comment:* The regulations should deal more clearly with coordination with other statutes that establish preservation review responsibilities.

The existing section 106 regulations set forth a process for coordinating Section 106 reviews with environmental reviews under the National Environmental Policy Act. The provision was deleted in the proposed rules in the interests of shortening the regulations. A number of commenters asked for more definite coordination of the requirements of the regulations with those of statutory authorities other than section 106. The National Environmental Policy Act was mentioned most often, but the Archeological Resources Protection Act, section 4(f) of the Department of Transportation Act, and the Archeological and Historic Preservation Act of 1974 were also referred to.

In response, the Council agreed with this idea and added a section to carry out the suggestion (§ 800.14). It deals with each of the enumerated statutory requirements, but in a general and nonmandatory manner.

8. *Comment:* The regulations are either too specific or too general concerning public participation.

The proposed regulations eliminated the existing section dealing with public participation, opting instead to add specific requirements for public notification and opportunity for input. This was intended to strengthen the public role in the process and at the same time encourage the use of established agency public involvement processes.

Comments on public participation ran in several directions: objection to excessive public involvement requirements; proposals for more mandatory involvement; proposals for better integration with existing processes; and proposals to relate public participation requirements to project type and level of public interest or controversy.

In response, the Council reconsidered its treatment of public participation. The general section on public participation (§ 800.1(c)(iv)) was revised to urge use of existing public involvement processes, such as those used to meet NEPA obligations, and to encourage greater opportunities for public input. Certain additional revisions were made in the body of the regulations to promote public involvement in a flexible, nonmandatory manner. In particular, § 800.6(e) was added, allowing the public to bring questions about individual section 106 cases to the Council.

9. *Comment:* Participation by American Indians and other Native Americans needs to be strengthened.

In revising the regulations, the Council was sensitive to creating a more prominent role for affected Native Americans and inserted specific references to promote notification and consultation. A large number of commenters raised questions and offered comments about how the regulations afforded Indian tribes and other Native Americans the opportunity to participate in section 106 review. The comments generally broke down into concerns about sovereignty and about who is the appropriate representative of Native Americans.

A number of commenters raised the question of the sovereignty of Indian tribes, most pointing out that Indian tribes are sovereign entities and arguing, at least, that SHPO's should not be expected to represent Indian concerns. A few argued that section 106 should not apply to actions undertaken by Indians on Indian land.

How "Indian tribe" should be defined was also a major issue, as it determined participation in the process. One commenter felt that only officially recognized tribal governments should be dealt with. Others did not propose limiting section 106 consultation to "government-to-government" interaction, but did want to deal only with officially recognized tribes. Still others argued for a broad definition that would allow both formally recognized and currently unrecognized tribes to participate. Commenters also urged that more attention should be given to participation by traditional cultural authorities in the tribes. A few commenters suggested that the same opportunities to participate in review of impacts on their traditional properties should be afforded to other Native American groups, such as Native Hawaiians, as is afforded to Indians.

In response, the Council revised the provisions related to this area (§ 800.1(c)(2)). Formal government-to-government consultation remains with recognized tribes as defined in the National Historic Preservation Act, but traditional cultural leaders and others are provided the opportunity to participate as interested persons. Tribes with established historic preservation

programs are given the opportunity to assume the role of the SHPO (§ 800.1(c)(2)(iii)).

Title 36, Chapter VIII, is amended by revising Part 800 to read as follows:

PART 800—PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Subpart A—Background and Policy

Subpart B—The Section 106 Process

Subpart C—Special Provisions

Authority: Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978); E.O. 11593, 3 CFR 1971 Comp., p. 154.

Subpart A—Background and Policy

§ 800.1 Authorities, purposes, and participants.

(a) *Authorities.* Section 106 of the National Historic Preservation Act requires a Federal agency head with jurisdiction over a Federal, federally assisted, or federally licensed undertaking to take into account the effects of the agency's undertaking on properties included in or eligible for the National Register of Historic Places and, prior to approval of an undertaking, to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking. Section 110(f) of the Act requires that Federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking and, prior to approval of such undertaking, afford the Council a reasonable opportunity to comment. These regulations define the process used by a Federal agency to meet these responsibilities, commonly called the section 106 process.

(b) *Purposes of the section 106 process.* The Council seeks through the section 106 process to accommodate historic preservation concerns with the needs of Federal undertakings. It is designed to identify potential conflicts between the two and to help resolve such conflicts in the public interest. The Council encourages this accommodation through consultation among the Agency Official, the State Historic Preservation Officer, and other interested persons during the early stages of planning. The Council regards the consultation process as an effective means for reconciling the interests of the consulting parties. Integration of the section 106 process into the normal administrative process used by agencies for project planning ensures early, systematic consideration of historic preservation issues. To this end, the Council encourages agencies to examine their administrative processes to see that they provide adequately for the efficient identification and consideration of historic properties, that they provide for participation by the State Historic Preservation Officer and others interested in historic preservation, that they provide for timely requests for Council comment, and that they promote cost-effective implementation of the section 106 process. When impediments are found to exist in the agency's administrative process, the agency is encouraged to consult with the Council to develop special section 106 procedures suited to the agency's needs.

(c) *Participants in the section 106 process.*—(1) *Consulting parties.* Consulting parties are the primary participants in the section 106 process whose responsibilities are defined by these regulations. Consulting parties may include:

(i) *Agency Official.* The Agency Official with jurisdiction over an undertaking has legal responsibility for complying with section 106. It is the responsibility of the Agency Official to identify and evaluate affected historic properties, assess an undertaking's effect upon them, and afford the Council its comment opportunity. The Agency Official may use the services of grantees, applicants, consultants, or designees to prepare the necessary information and analyses, but remains responsible for section 106 compliance. The Agency Official should involve applicants for Federal assistance or approval in the section 106 process as appropriate in the manner set forth below.

(ii) *State Historic Preservation Officer.* The State Historic Preservation Officer coordinates State participation in the implementation of the National Historic Preservation Act and is a key participant in the section 106 process. The role of the State Historic Preservation Officer is to consult with and assist the Agency Official when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce those effects. The State Historic Preservation Officer reflects the interests of the State and its citizens in the preservation of their cultural heritage and helps the Agency Official identify those persons interested in an undertaking and its effects upon historic properties. When the State Historic Preservation Officer declines to participate or does not respond within 30 days to a written request for participation, the Agency Official shall consult with the Council, without the State Historic Preservation Officer, to complete the section 106 process. The State Historic Preservation Officer may assume primary responsibility for reviewing Federal undertakings in the State by agreement with the Council as prescribed in § 800.7 of these regulations.

(iii) *Council.* The Council is responsible for commenting to the Agency Official on an undertaking that affects historic properties. The official authorized to carry out the Council's responsibilities under each provision of the regulations is set forth in a separate, internal delegation of authority.

(2) *Interested persons.* Interested persons are those organizations and individuals that are concerned with the effects of an undertaking on historic properties. Certain provisions in these regulations require that particular interested persons be invited to become consulting parties under certain circumstances. In addition, whenever the Agency Official, the State Historic Preservation Officer, and the Council, if participating, agree that active participation of an interested person will advance the objectives of section 106, they may invite that person to become a consulting party. Interested persons may include:

(i) *Local governments.* Local governments are encouraged to take an active role in the section 106 process when undertakings affect historic properties within their jurisdiction. When a local government has legal responsibility for section 106 compliance under programs such as the Community Development Block Grant Program, participation as a consulting party is required. When no such legal responsibility exists, the extent of local government participation is at the

discretion of local government officials. If the State Historic Preservation Officer, the appropriate local government, and the Council agree, a local government whose historic preservation program has been certified pursuant to section 101(c)(1) of the Act may assume any of the duties that are given to the State Historic Preservation Officer by these regulations or that originate from agreements concluded under these regulations.

(ii) *Applicants for Federal assistance, permits, and licenses.* When the undertaking subject to review under section 106 is proposed by an applicant for Federal assistance or for a Federal permit or license, the applicant may choose to participate in the section 106 process in the manner prescribed in these regulations.

(iii) *Indian tribes.* The Agency Official, the State Historic Preservation Officer, and the Council should be sensitive to the special concerns of Indian tribes in historic preservation issues, which often extend beyond Indian lands to other historic properties. When an undertaking will affect Indian lands, the Agency Official shall invite the governing body of the responsible tribe to be a consulting party and to concur in any agreement. When an Indian tribe has established formal procedures relating to historic preservation, the Agency Official, State Historic Preservation Officer, and Council shall, to the extent feasible, carry out responsibilities under these regulations consistent with such procedures. An Indian tribe may participate in activities under these regulations in lieu of the State Historic Preservation Officer with respect to undertakings affecting its lands, provided the Indian tribe so requests, the State Historic Preservation Officer concurs, and the Council finds that the Indian tribe's procedures meet the purposes of these regulations. When an undertaking may affect properties of historic value to an Indian tribe on non-Indian lands, the consulting parties shall afford such tribe the opportunity to participate as interested persons. Traditional cultural leaders and other Native Americans are considered to be interested persons with respect to undertakings that may affect historic properties of significance to such persons.

(iv) *The public.* The Council values the views of the public on historic preservation questions and encourages maximum public participation in the section 106 process. The Agency Official, in the manner described below, and the State Historic Preservation Officer should seek and consider the views of the public when taking steps to identify historic properties, evaluate effects, and develop alternatives. Public participation in the section 106 process may be fully coordinated with, and satisfied by, public participation programs carried out by Agency Officials under the authority of the National Environmental Policy Act and other pertinent statutes. Notice to the public under these statutes should adquately inform the public of preservation issues in order to elicit public views on such issues that can then be considered and resolved, when possible, in decisionmaking. Members of the public with interests in an undertaking and its effects on historic properties should be given reasonable opportunity to have an active role in the section 106 process.

§ 800.2 Definitions.

(a) "Act" means the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470–470w–6.

(b) "Agency Official" means the Federal agency head or a designee with authority over a specific undertaking, including any State or local government official who has been delegated legal responsibility for compliance with section 106 and section 110(f) in accordance with law.

(c) "Area of potential effects" means the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist.

(d) "Council" means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

(e) "Historic property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. This term includes, for the purposes of these regulations, artifacts, records, and remains that are related to and located within such properties. The term "eligible for inclusion in the National Register" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria.

(f) "Indian lands" means all lands under the jurisdiction or control of an Indian tribe.

(g) "Indian tribe" means the governing body of any Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1701, *et seq.*

(h) "Interested person" means those organizations and individuals that are concerned with the effects of an undertaking on historic properties.

(i) "Local government" means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.

(j) "National Historic Landmark" means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

(k) "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior.

(l) "National Register Criteria" means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).

(m) "Secretary" means the Secretary of the Interior.

(n) "State Historic Preservation Officer" means the official appointed or designated pursuant to section 101(b)(1) of the Act to administer the State historic preservation program or a representative designated to act for the State Historic Preservation Officer.

(o) "Undertaking" means any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal agency or licensed or assisted by a Federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under section 106.

Subpart B—The Section 106 Process

§ 800.3 General.

(a) *Scope.* The procedure in this subpart guides Agency Officials, State Historic Preservation Officers, and the Council in the conduct of the section 106 process. Alternative methods of meeting section 106 obligations are found in § 800.7, governing review of undertakings in States that have entered into agreements with the Council for section 106 purposes, and § 800.13, governing Programmatic Agreements with Federal agencies that pertain to specific programs or activities. Under each of these methods, the Council encourages Federal agencies to reach agreement on developing alternatives or

measures to avoid or reduce effects on historic properties that meet both the needs of the undertaking and preservation concerns.

(b) *Flexible application.* The Council recognizes that the procedures for the Agency Official set forth in these regulations may be implemented by the Agency Official in a flexible manner reflecting differing program requirements, as long as the purposes of section 106 of the Act and these regulations are met.

(c) *Timing.* Section 106 requires the Agency Official to complete the section 106 process prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license or permit. The Council does not interpret this language to bar an Agency Official from expending funds on or authorizing nondestructive planning activities preparatory to an undertaking before complying with section 106, or to prohibit phased compliance at different stages in planning. The Agency Official should ensure that the section 106 process is initiated early in the planning stages of the undertaking, when the widest feasible range of alternatives is open for consideration. The Agency Official should establish a schedule for completing the section 106 process that is consistent with the planning and approval schedule for the undertaking.

§ 800.4 Identifying historic properties.

(a) *Assessing information needs.* (1) Following a determination by the Agency Official that a proposed project, activity, or program constitutes an undertaking and after establishing the undertaking's area of potential effects, the Agency Official shall:

(i) Review existing information on historic properties potentially affected by the undertaking, including any data concerning the likelihood that undentified historic properties exist in the area of potential effects;

(ii) Request the views of the State Historic Preservation Officer on further actions to identify historic properties that may be affected; and

(iii) Seek information in acordance with agency planning processes from local governments, Indian tribes, public and private organizations, and other parties likely to have knowledge of or concerns with historic properties in the area.

(2) Based on this assessment, the Agency Official should determine any need for further actions, such as field surveys and predictive modeling, to identify historic properties.

(b) *Locating historic properties.* In consultation with the State Historic Preservation Officer, the Agency Official shall make a reasonable and good faith effort to identify historic properties that may be affected by the undertaking and gather sufficient information to evaluate the eligibility of these properties for the National Register. Efforts to identify historic properties should follow the Secretary's "Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716) and agency programs to meet the requirements of section 110(a)(2) of the Act.

(c) *Evaluating historical significance.* (1) In consultation with the State Historic Preservation Officer and following the Secretary's Standards and Guidelines for Evaluation, the Agency Official shall apply the National Register Criteria to properties that may be affected by the undertaking and that have not been previously evaluated for National Register eligibility. The passage of time or changing perceptions of significance may justify reevaluation of properties that were previously determined to be eligible or ineligible.

(2) If the Agency Official and the State Historic Preservation Officer agree that a property is eligible under the criteria, the property shall be considered eligible for the National Register for section 106 purposes.

(3) If the Agency Official and the State Historic Preservation Officer agree that the criteria are not met, the property shall be considered not eligible for the National Register for section 106 purposes.

(4) If the Agency Official and the State Historic Preservation Officer do not agree, or if the Council or the Secretary so request, the Agency Official shall obtain a determination from the Secretary of the Interior pursuant to the applicable National Park Service regulations.

(5) If the State Historic Preservation Officer does not provide views, then the State Historic Preservation Officer is presumed to agree with the Agency Official's determination for the purpose of this subsection.

(d) *When no historic properties are found.* If the Agency Official determines in accordance with §§ 800.4(a)–(c) that there are no historic properties that may be affected by the undertaking, the Agency Official shall provide documentation of this finding to the State Historic Preservation Officer. The Agency Official should notify interested persons and parties known to be interested in the undertaking and its possible effects on historic properties and make the documentation available to the public. In these circumstances, the Agency Official is not required to take further steps in the section 106 process.

(e) *When historic properties are found.* If there are historic properties that the undertaking may affect, the Agency official shall assess the effects in accordance with Section 800.5.

§ 800.5 Assessing effects.

(a) *Applying the Criteria of Effect.* In consultation with the State Historic Preservation Officer, the Agency Official shall apply the Criteria of Effect (§ 800.9(a)) to historic properties that may be affected, giving consideration to the views, if any, of interested persons.

(b) *When no effect is found.* If the Agency Official finds the undertaking will have no effect on historic properties, the Agency Official shall notify the State Historic Preservation Officer and interested persons who have made their concerns known to the Agency Official and document the findings, which shall be available for public inspection. Unless the State Historic Preservation Officer objects within 15 days of receiving such notice, the Agency Official is not required to take any further steps in the section 106 process. If the State Historic Preservation Officer files a timely objection, then the procedures described in § 800.5(c) are followed.

(c) *When an effect is found.* If an effect on historic properties is found, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Adverse Effect (§ 800.9(b)) to determine whether the effect of the undertaking should be considered adverse.

(d) *When the effect is not considered adverse.* (1) If the Agency Official finds the effect is not adverse, the Agency Official shall:

(i) Obtain the State Historic Preservation Officer's concurrence with the finding and notify and submit to the Council summary documentation, which shall be available for public inspection; or

(ii) Submit the finding with necessary documentation (§ 800.8(a)) to the Council for a 30-day review period and notify the State Historic Preservation Officer.

(2) If the Council does not object to the finding of the Agency Official within 30 days of receipt of notice, or if the Council objects but proposes changes that the Agency Official accepts, the Agency Official is not required to take any further steps in the section 106 process other than to comply with any agreement with the State Historic Preservation Officer or Council concerning the undertaking. If the

Council objects and the Agency Official does not agree with changes proposed by the Council, then the effect shall be considered as adverse.

(e) *When the effect is adverse.* If an adverse effect on historic properties is found, the Agency Official shall notify the Council and shall consult with the State Historic Preservation Officer to seek ways to avoid or reduce the effects on historic properties. Either the Agency Official or the State Historic Preservation Officer may request the Council to participate. The Council may participate in the consultation without such a request.

(1) *Involving interested persons.* Interested persons shall be invited to participate as consulting parties as follows when they so request:

(i) The head of a local government when the undertaking may affect historic properties within the local government's jurisdiction;

(ii) The representative of an Indian tribe in accordance with § 800.1(c)(2)(iii);

(iii) Applicants for or holders of grants, permits, or licenses, and owners of affected lands; and

(iv) Other interested persons when jointly determined appropriate by the Agency Official, the State Historic Preservation Officer, and the Council, if participating.

(2) *Documentation.* The Agency Official shall provide each of the consulting parties with the documentation set forth in § 800.8(b) and such other documentation as may be developed in the course of consultation.

(3) *Informing the public.* The Agency Official shall provide an adequate opportunity for members of the public to receive information and express their views. The Agency Official is encouraged to use existing agency public involvement procedures to provide this opportunity. The Agency Official, State Historic Preservation Officer, or the Council may meet with interested members of the public or conduct a public information meeting for this purpose.

(4) *Agreement.* If the Agency Official and the State Historic Preservation Officer agree upon how the effects will be taken into account, they shall execute a Memorandum of Agreement. When the Council participates in the consultation, it shall execute the Memorandum of Agreement along with the Agency Official and the State Historic Preservation Officer. When the Council has not participated in consultation, the Memorandum of Agreement shall be submitted to the Council for comment in accordance with § 800.6(a). As appropriate, the Agency Official, the State Historic Preservation Officer, and the Council, if participating, may agree to invite other consulting parties to concur in the agreement.

(5) *Amendments.* The Agency Official, the State Historic Preservation Officer, and the Council, if it was a signatory to the original agreement, may subsequently agree to an amendment to the Memorandum of Agreement. When the Council is not a party to the Memorandum of Agreement, or the Agency Official and the State Historic Preservation Officer cannot agree on changes to the Memorandum of Agreement, the proposed changes shall be submitted to the Council for comment in accordance with § 800.6.

(6) *Ending consultation.* The Council encourages Agency Officials and State Historic Preservation Officers to utilize the consultation process to the fullest extent practicable. After initiating consultation to seek ways to reduce or avoid effects on historic properties, State Historic Preservation Officer, the Agency Official, or the Council, at its discretion, may state that further consultation will not be productive and thereby terminate the consultation process. The Agency Official shall then request the Council's comments in accordance with § 800.6(b) and notify all other consulting parties of its requests.

§ 800.6 Affording the Council an opportunity to comment.

(a) *Review of a Memorandum of Agreement.* (1) When an Agency Official submits a Memorandum of Agreement accompanied by the documentation specified in § 800.8(b) and (c), the Council shall have 30 days from receipt to review it. Before this review period ends, the Council shall:

(i) Accept the Memorandum of Agreement, which concludes the section 106 process, and informs all consulting parties; or

(ii) Advise the Agency Official of changes to the Memorandum of Agreement that would make it acceptable; subsequent agreement by the Agency Official, the State Historic Preservation Officer, and the Council concludes the section 106 process; or

(iii) Decide to comment on the undertaking, in which case the Council shall provide its comments within 60 days of receiving the Agency Official's submission, unless the Agency Official agrees otherwise.

(2) If the Agency Official, the State Historic Preservation Officer, and the Council do not reach agreement in accordance with § 800.6(a)(1)(iii), the Agency Official shall notify the Council, which shall provide its comments within 30 days of receipt of notice.

(b) *Comment when there is no agreement.* (1) When no Memorandum of Agreement is submitted, the Agency Official shall request Council comment and provide the documentation specified in § 800.8(d). When requested by the Agency Official, the Council shall provide its comments within 60 days of receipt of the Agency Official's request and the specified documentation.

(2) The Agency Official shall make a good faith effort to provide reasonably available additional information concerning the undertaking and shall assist the Council in arranging an onsite inspection and public meeting when requested by the Council.

(3) The Council shall provide its comments to the head of the agency requesting comment. Copies shall be provided to the State Historic Preservation Officer, interested persons, and others as appropriate.

(c) *Response to Council comment.* (1) When a Memorandum of Agreement becomes final in accordance with § 800.6(a)(1) (i) or (ii), the Agency Official shall carry out the undertaking in accordance with the terms of the agreement. This evidences fulfillment of the agency's section 106 responsibilities. Failure to carry out the terms of a Memorandum of Agreement requires the Agency Official to resubmit the undertaking to the Council for comment in accordance with § 800.6.

(2) When the Council had commented pursuant to § 800.6(a), the Agency Official shall consider the Council's comments in reaching a final decision on the proposed undertaking. The Agency Official shall report the decision to the Council, and if possible, should do so prior to initiating the undertaking.

(d) *Foreclosure of the Council's opportunity to comment.* (1) The Council may advise an Agency Official that it considers the agency has not provided the Council a reasonable opportunity to comment. The decision to so advise the Agency Official will be reached by a majority vote of the Council or by a majority vote of a panel consisting of three or more Council members with the concurrence of the Chairman.

(2) The Agency Official will be given notice and a reasonable opportunity to respond prior to a proposed Council determination that the agency has foreclosed the Council's opportunity to comment.

(e) *Public requests to the Council.* (1) When requested by any person, the Council shall consider an Agency Official's finding under §§ 800.4(b), 800.4(c), 800.4(d), or 800.5(b), and, within 30 days of receipt of the request, advise the Agency Official, the State Historic

Preservation Officer, and the person making the request of its views of the Agency Official's finding.

(2) In light of the Council views, the Agency Official should reconsider the finding. However, an inquiry to the Council will not suspend action on an undertaking.

(3) When the finding concerns the eligibility of a property for the National Register, the Council shall refer the matter to the Secretary.

§ 800.7 Agreements with States for section 106 reviews.

(a) *Establishment of State agreements.* (1) Any State Historic Preservation Officer may enter into an agreement with the Council to substitute a State review process for the procedures set forth in these regulations, provided that:

(i) The State historic preservation program has been approved by the Secretary pursuant to section 101(b)(1) of the Act; and

(ii) The Council, after analysis of the State's review process and consideration of the views of Federal and State agencies, local governments, Indian tribes, and the public, determines that the State review process is at least as effective as, and no more burdensome than, the procedures set forth in these regulations in meeting the requirements of section 106.

(2) The Council, in analyzing a State's review process pursuant to § 800.7(a)(1)(ii), shall:

(i) Review relevant State laws, Executive orders, internal directives, standards, and guidelines;

(ii) Review the organization of the State's review process;

(iii) Solicit and consider the comments of Federal and State agencies, local governments, Indian tribes, and the public;

(iv) Review the results of program reviews carried out by the Secretary; and

(v) Review the record of State participation in the section 106 process.

(3) The Council will enter into an agreement with a State under this section only upon determining, at minimum, that the State has a demonstrated record of performance in the section 106 process and the capability to administer a comparable process at the State level.

(4) A State agreement shall be developed through consultation between the State Historic Preservation Officer and the Council and concurred in by the Secretary before submission to the Council for approval. The Council may invite affected Federal and State agencies, local governments, Indian tribes, and other interested persons to participate in this consultation. The agreement shall:

(i) Specify the historic preservation review process employed in the State, showing that this process is at least as effective as, and no more burdensome than, that set forth in these regulations;

(ii) Establish special provisions for participation of local governments or Indian tribes in the review of undertakings falling within their jurisdiction, when appropriate;

(iii) Establish procedures for public participation in the State review process;

(iv) Provide for Council review of actions taken under its terms, and for appeal of such actions to the Council; and

(v) Be certified by the Secretary as consistent with the Secretary's Standards and Guidelines for Archaeology and Historic Preservation.

(5) Upon concluding a State agreement, the Council shall publish notice of its execution in the **Federal Register** and make copies of the State agreement available to all Federal agencies.

(b) *Review of undertakings when a State agreement is in effect.* (1) When a State agreement under § 800.7(a) is in effect, an Agency Official may elect to comply with the State review process in lieu of compliance with these regulations.

(2) At any time during review of an undertaking under a State agreement, an Agency Official may terminate such review and comply instead with §§ 800.4 through 800.6 of these regulations.

(3) At any time during review of an undertaking under a State agreement, the Council may participate. Participants are encouraged to draw upon the Council's expertise as appropriate.

(c) *Monitoring and termination of State agreements.* (1) The Council shall monitor activities carried out under State agreements, in coordination with the Secretary of the Interior's approval of State programs under section 101(b)(1) of the Act. The Council may request that the Secretary monitor such activities on its behalf.

(2) The Council may terminate a State agreement after consultation with the State Historic Preservation Officer and the Secretary.

(3) A State agreement may be terminated by the State Historic Preservation Officer.

(4) When a State agreement is terminated pursuant to § 800.7(c)(2) and (3), such termination shall have no effect on undertakings for which review under the agreement was complete or in progress at the time the termination occurred.

§ 800.8 Documentation requirements.

(a) *Finding of no adverse effect.* The purpose of this documentation is to provide sufficient information to explain how the Agency Official reached the finding of no adverse effect. The required documentation is as follows:

(1) A description of the undertaking, including photographs, maps, and drawings, as necessary;

(2) A description of historic properties that may be affected by the undertaking;

(3) A description of the efforts used to identify historic properties;

(4) A statement of how and why the criteria of adverse effect were found inapplicable; and

(5) The views of the State Historic Preservation Officer, affected local governments, Indian tribes, Federal agencies, and the public, if any were provided, as well as a description of the means employed to solicit those views.

(b) *Finding of adverse effect.* The required documentation is as follows:

(1) A description of the undertaking, including photographs, maps, and drawings, as necessary;

(2) A description of the efforts to identify historic properties;

(3) A description of the affected historic properties, using materials already compiled during the evaluation of significance, as appropriate; and

(4) A description of the undertaking's effects on historic properties.

(c) *Memorandum of Agreement.* When a memorandum is submitted for review in accordance with § 800.6(a)(1), the documentation, in addition to that specified in § 800.8(b), shall also include a description and evaluation of any proposed mitigation measures or alternatives that were considered to deal with the undertaking's effects and a summary of the views of the State Historic Preservation Officer and any interested persons.

(d) *Requests for comment when there is no agreement.* The purpose of this documentation is to provide the Council with sufficient information to make an independent review of the undertaking's effects on historic properties as the basis for informed and meaningful comments to the Agency Official. The required documentation is as follows:

(1) A description of the undertaking, with photographs, maps, and drawings, as necessary;

(2) A description of the efforts to identify historic properties;

(3) A description of the affected historic properties, with information on

the significant characteristics of each property;

(4) A description of the effects of the undertaking on historic properties and the basis for the determinations;

(5) A description and evaluation of any alternatives or mitigation measures that the Agency Official proposes for dealing with the undertaking's effects;

(6) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(7) Documentation of consultation with the State Historic Preservation Officer regarding the identification and evaluation of historic properties, assessment of effect, and any consideration of alternatives or mitigation measures;

(8) A description of the Agency Official's efforts to obtain and consider the views of affected local governments, Indian tribes, and other interested persons;

(9) The planning and approval schedule for the undertaking; and

(10) Copies or summaries of any written views submitted to the Agency Official concerning the effects of the undertaking on historic properties and alternatives to reduce or avoid those effects.

§ 800.9 Criteria of effect and adverse effect.

(a) An undertaking has an effect on a historic property when the undertaking may alter characteristics of the property that may qualify the property for inclusion in the National Register. For the purpose of determining effect, alteration to features of a property's location, setting, or use may be relevant depending on a property's significant characteristics and should be considered.

(b) An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include, but are not limited to:

(1) Physical destruction, damage, or alteration of all or part of the property;

(2) Isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register;

(3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(4) Neglect of a property resulting in its deterioration or destruction; and

(5) Transfer, lease, or sale of the property.

(c) Effects of an undertaking that would otherwise be found to be adverse may be considered as being not adverse for the purpose of these regulations:

(1) When the historic property is of value only for its potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research, and such research is conducted in accordance with applicable professional standards and guidelines;

(2) When the undertaking is limited to the rehabilitation of buildings and structures and is conducted in a manner that preserves the historical and architectural value of affected historic property through conformance with the Secretary's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", or

(3) When the undertaking is limited to the transfer, lease, or sale of a historic property, and adequate restrictions or conditions are included to ensure preservation of the property's significant historic features.

Subpart C—Special Provisions

§ 800.10 Protecting National Historic Landmarks.

(a) Section 110(f) of the Act requires that the Agency Official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. When commenting on such undertakings, the Council shall use the process set forth in §§ 800.4 through 800.6 and give special consideration to protecting National Historic Landmarks as follows:

(a) Any consultation conducted under § 800.5(e) shall include the Council;

(b) The Council may request the Secretary under section 213 of the Act to provide a report to the Council detailing the significance of the property, describing the effects of the undertaking on the property, and recommending measures to avoid, minimize, or mitigate adverse effects; and

(c) The Council shall report its comments, including Memoranda of Agreement, to the President, the Congress, the Secretary, and the head of the agency responsible for the undertaking.

§ 800.11 Properties discovered during implementation of an undertaking.

(a) *Planning for discoveries.* When the Agency Official's identification efforts in accordance with § 800.4 indicate that historic properties are likely to be discovered during implementation of an undertaking, the Agency Official is encouraged to develop a plan for the treatment of such properties if discovered and include this plan in any documentation prepared to comply with § 800.5.

(b) *Federal agency responsibilities.* (1) When an Agency Official has completed the section 106 process and prepared a plan in accordance with § 800.11(a), the Agency Official shall satisfy the requirements of section 106 concerning properties discovered during implementation of an undertaking by following the plan.

(2) When an Agency Official has completed the section 106 process without preparing a plan in accordance with § 800.11(a) and finds after beginning to carry out the undertaking that the undertaking will affect a previously unidentified property that may be eligible for inclusion in the National Register, or affect a known historic property in an unanticipated manner, the Agency Official shall afford the Council an opportunity to comment by choosing one of the following courses of action:

(i) Comply with § 800.6;

(ii) Develop and implement actions that take into account the effects of the undertaking on the property to the extent feasible and the comments from the State Historic Preservation Officer and the Council pursuant to § 800.11(c); or

(iii) If the property is principally of archeological value and subject to the requirements of the Archeological and Historic Preservation Act, 16 U.S.C. 469(a)–(c), comply with that Act and implementing regulations instead of these regulations.

(3) Section 106 and these regulations do not require the Agency Official to stop work on the undertaking. However, depending on the nature of the property and the undertaking's apparent effects on it, the Agency Official should make reasonable efforts to avoid or minimize harm to the property until the requirements of this section are met.

(c) *Council comments.* (1) When comments are requested pursuant to § 800.11(b)(2)(i), the Council will provide its comments in a time consistent with the Agency Official's schedule, regardless of longer time periods allowed by these regulations for Council review.

(2) When an Agency Official elects to comply with § 800.11(b)(2)(ii), the Agency Official shall notify the State Historic Preservation Officer and the

Council at the earliest possible time, describe the actions proposed to take effects into account, and request the Council's comments. The Council shall provide interim comments to the Agency Official within 48 hours of the request and final comments to the Agency Official within 30 days of the request.

(3) When an Agency Official complies with § 800.11(b)(2)(iii), the Agency Official shall provide the State Historic Preservation Officer an opportunity to comment on the work undertaken and provide the Council with a report on the work after it is undertaken.

(d) *Other considerations.*

(1) When a newly discovered property has not previously been included in or determined eligible for the National Register, the Agency Official may assume the property to be eligible for purposes of section 106.

(2) When a discovery occurs and compliance with this section is necessary on lands under the jurisdiction of an Indian tribe, the Agency Official shall consult with the Indian tribe during implementation of this section's requirements.

§ 800.12 Emergency undertakings.

(a) When a Federal agency head proposes an emergency action and elects to waive historic preservation responsibilities in accordance with 36 CFR 78.2, the Agency Official may comply with the requirements of 36 CFR Part 78 in lieu of these regulations. An Agency Official should develop plans for taking historic properties into account during emergency operations. At the request of the Agency Official, the Council will assist in the development of such plans.

(b) When an Agency Official proposes an emergency undertaking as an essential and immediate response to a disaster declared by the President or the appropriate Governor, and § 800.12(a) does not apply, the Agency Official may satisfy section 106 by notifying the Council and the appropriate State Historic Preservation Officer of the emergency undertaking and affording them an opportunity to comment within seven days if the Agency Official considers that circumstances permit.

(c) For the purposes of activities assisted under Title I of the Housing and Community Development Act of 1974, as amended, § 800.12(b) also applies to an imminent threat to public health or safety as a result of natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or the State Historic Preservation Officer objects, the Agency Official shall comply with §§ 800.4 through 800.6.

(d) This section does not apply to undertakings that will not be implemented within 30 days after the disaster or emergency. Such undertakings shall be reviewed in accordance with §§ 800.4 through 800.6.

§ 800.13 Programmatic Agreements.

(a) *Application.* An Agency Official may elect to fulfill an agency's section 106 responsibilities for a particular program, a large or complex project, or a class of undertakings that would otherwise require numerous individual requests for comments through a Programmatic Agreement. Programmatic Agreements are appropriate for programs or projects:

(1) When effects on historic properties are similar and repetitive or are multi-State or national in scope;

(2) When effects on historic properties cannot be fully determined prior to approval;

(3) When non-Federal parties are delegated major decisionmaking responsibilities;

(4) That involve development of regional or land-management plans; or

(5) That involve routine management activities at Federal installations.

(b) *Consultation process.* The Council and the Agency Official shall consult to develop a Programmatic Agreement. When a particular State is affected, the appropriate State Historic Preservation Officer shall be a consulting party. When the agreement involves issues national in scope, the President of the National Conference of State Historic Preservation Officers or a designated representative shall be invited to be a consulting party by the Council. The Council and the Agency Official may agree to invite other Federal agencies or others to be consulting parties or to participate, as appropriate.

(c) *Public involvement.* The Council, with the assistance of the Agency Official, shall arrange for public notice and involvement appropriate to the subject matter and the scope of the program. Views from affected units of State and local government, Indian tribes, industries, and organizations will be invited.

(d) *Execution of the Programmatic Agreement.* After consideration of any comments received and reaching final agreement, the Council and the Agency Official shall execute the agreement. Other consulting parties may sign the Programmatic Agreement as appropriate.

(e) *Effect of the Programmatic Agreement.* An approved Programmatic Agreement satisfies the Agency's section 106 responsibilities for all individual undertakings carried out in accordance with the agreement until it expires or is terminated.

(f) *Notice.* The Council shall publish notice of an approved Programmatic Agreement in the **Federal Register** and make copies readily available to the public.

(g) *Failure to carry out a Programmatic Agreement.* If the terms of a Programmatic Agreement are not carried out or if such an agreement is terminated, the Agency Official shall comply with §§ 800.4 through 800.6 with regard to individual undertakings covered by the agreement.

§ 800.14 Coordination with other authorities.

To the extent feasible, Agency Officials, State Historic Preservation Officers, and the Council should encourage coordination of implementation of these regulations with the steps taken to satisfy other historic preservation and environmental authorities by:

(a) Integrating compliance with these regulations with the processes of environmental review carried out pursuant to the National Environmental Policy Act, and coordinating any studies needed to comply with these regulations with studies of related natural and social aspects;

(b) Designing determinations and agreements to satisfy the terms not only of section 106 and these regulations, but also of the requirements of such other historic preservation authorities as the Archeological and Historic Preservation Act, the Archeological Resources Protection Act, section 110 of the National Historic Preservation Act, and section 4(f) of the Department of Transportation Act; as applicable, so that a single document can be used for the purposes of all such authorities;

(c) Designing and executing studies, surveys, and other information-gathering activities for planning and undertaking so that the resulting information and data is adequate to meet the requirements of all applicable Federal historic preservation authorities; and

(d) Using established agency public involvement processes to elicit the views of the concerned public with regard to an undertaking and its effects on historic properties.

§ 800.15 Counterpart regulations.

In consultation with the Council, agencies may develop counterpart regulations to carry out the section 106 process. When concurred in by the Council, such counterpart regulations

shall stand in place of these regulations for the purposes of the agency's compliance with section 106.

Dated: August 27, 1986.

John M. Fowler,
Acting Executive Director.

[FR Doc. 86-19814 Filed 8-29-86; 8:45 am]
BILLING CODE 4310-10-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL-3071-2]

Approval and Promulgation of State Implementation Plans; Colorado Prevention of Significant Deterioration Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: Colorado's Prevention of Significant Deterioration (PSD) Regulation was submitted on April 18, 1983, and EPA proposed to approve the regulation with some exceptions on July 12, 1985.

EPA today is approving this PSD revision to the Colorado State Implementation Plan with some exceptions. These exceptions should not affect the ability of Colorado to assume the major portion of the PSD permitting responsibility. Further, if any source otherwise required to obtain a PSD permit under federal interpretation, is not required to obtain a PSD permit from the State because of these exceptions such source will be required to obtain a permit from EPA in accordance wth EPA's PSD regulations. EPA does not expect that any such sources will actually request a permit to construct in Colorado, however. EPA's PSD regulations will also remain in effect for sources located on Indian Reservations and for sources that have received earlier PSD permits from EPA. EPA is taking this action, because except as noted, the Colorado PSD regulations meet EPA policy. The effect of this approval will mean that Colorado will be issuing almost all PSD permits within the State after today.

EFFECTIVE DATE: September 2, 1986.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices.

Environmental Protection Agency, Region VIII, Air Program Branch, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street SW., Washington, DC 20460

The Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dale Wells, Air Programs Branch, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202, (303) 293-1773.

SUPPLEMENTARY INFORMATION: The Colorado PSD Regulation was submitted to meet the requirements of 40 CFR 51.24, as promulgated by EPA on August 7, 1980. EPA proposed to approve the Regulation on July 12, 1985, with certain exceptions. The first exception related to the 15 source categories which the State omitted from the list for which fugitive emissions must be included in calculating potential to emit. The second exception related to the State's exemption of fugitive dust from a number of requirements, including increment consumption.

EPA also proposed to take no action regarding the stack height provisions of the Colorado PSD Regulation because the applicable EPA regulation had not yet been promulgated. EPA's stack height regulation has now been promulgated; and by letter dated December 16, 1985, the State of Colorado has committed to comply with the federal stack height regulation in issuing PSD permits. Presently, Colorado is in the process of revising the stack height provision, and EPA is reserving action on said stack height provision until Colorado adopts and submits its new regulation.

Finally, EPA also proposed disapproval of certain waivers and exemptions in the Colorado PSD regulation, as noted below in the Section on "Final Action".

Comments:

EPA Region VIII received two comments on the proposed Colorado PSD regulation during the 30-day comment period. The first comment requested that EPA clarify whether the Agency was taking any action to approve the Category I areas in Colorado's PSD regulation. Category I is a designation authorized by Colorado's Air Pollution Control Act which applies the Class I SO_2 increment to certain pristine areas in Colorado not designated Class I by the Federal PSD regulations. Colorado law does not allow the State Implementation Plan to be more restrictive than the Federal requirements; therefore, the State has requested that the Category I areas be excluded from the SIP. EPA does not consider this portion of Colorado's regulation to be federally enforceable. There are specific procedures listed in the Code of Federal Regulations for redesignation of Class II areas which must be followed for EPA to recognize the Class I protections for an area. Until those procedures are followed, EPA must regard Category I areas as Federal Class II areas.

The other comment consisted of excerpts of comments submitted to the Colorado Air Quality Control Commission (during the PSD regulation hearings) that pertained to the requirements and exemptions for fugitive dust. Colorado's PSD regulation has exemptions from several fugitive dust requirements; and, EPA's proposed action on Colorado's PSD regulation disapproved all such fugitive dust exemptions. EPA's proposed action further stated that the source would be required to obtain a PSD permit from EPA in accordance with 40 CFR Part 52.21, if Colorado so applied the exemptions to any source in such a way as to avoid required PSD permitting. The comment on fugitive dust emissions therefore was already addressed in the action proposed by EPA.

Final Action

In addition to the source categories which were proposed to be dissapproved on July 12, 1985, EPA is disapproving the Colorado Regulations for sources which were regulated under section 111 or 112 of the Clean Air Act as of August 7, 1980. Excepted are sources for which fugitive dust emissions will be included in calculating potential to emit. EPA approves Colorado Regulation 3 and the Common Provision Regulations as amended for the PSD program except as follows:

1. The plan is disapproved for the following industrial source categories:

a. Kraft Pulp Mills:
Primary Zinc Smelters
Primary Aluminum Ore Reduction Plants
Primary Copper Smelters
Municipal Incinerators (capable of charging more than 250 tons of refuse per day)
Hydrofluoric, Sulfuric, and Nitric Acid Plants
Phosphate Rock Processing Plants
Sulfur Recovery Plants
Carbon Black Plants (furnace process)
Primary Lead Smelters
Secondary Metal Production Plants
Chemical Process Plants
Taconite Ore Processing Plants
Glass Fiber Processing Plants
Charcoal Production Plants

b. The following section 111 and 112 sources:
Asphalt Concrete Plants
Coal Preparation Plants
Grain Elevators
Sewage Treatment Plants (Sludge Incinerators)
Stationary Gas Turbines
Sources of Mercury, Berylium, Asbestos, and Vinyl Chloride.

2. The plan is disapproved for sources that would avoid any Federal PSD requirements due to exemptions in the Colorado PSD Regulation relating to fugitive dust.

3. The plan is disapproved for sources that would not need a Colorado permit due to the exemption for modification of oil or gas boilers to burn coal, shale oil, or coal-derived fuels (Regulation 3.I.B.2.c.viii).

4. The plan is disapproved for sources that would be exempted from a Colorado permit due to the State definition of Stationary Source (Common Provisions) *Reading* "except that properties which are or will be used only for right-of-way, transmissions, gathering, transportation, communication, pipeline or similar purposes shall not be considered contiguous or adjacent."

5. The plan is disapproved for sources that would avoid compliance with their permits due to that portion of Regulation 3.IV.H.4 allowing an administrative compliance waiver for as long as six months to a new source which violates a term of its permit.

6. The plan is disapproved for sources that would receive a Colorado permit based upon the provision covering Time Constraints on Division Action found in Regulation 3.IV.

7. EPA is delaying action on Regulation 3.XII.D pertaining to stack heights until Colorado adopts and submits new stack height regulations. Meanwhile, Colorado has committed to comply with EPA's stack height regulation.

8. EPA is taking no action regarding Regulation 3.VIII.B. as that provision applies the Class I SO_2 increment to areas designated as Class II under the Federal PSD Regulation.

Sources affected by items 1–7 are herby notified that federal permits under 40 CFR 52.21 will be required.

The Federal PSD regulation will remain in effect for the sources listed in items 1–7 above.

EPA finds good cause exists for making the action taken in this notice immediately effective for the following reason:

Implementation plan revisions are already in effect under state law or regulation and EPA approval poses no additional regulatory burden.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 3, 1986. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1982.

Dated: August 22, 1986.

Lee M. Thomas,

Administrator.

Part 52 Chapter I, Title 40 of the Code of Federal Rgulations is amended as follows:

PART 52—[AMENDED]

Subpart G—Colorado

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.320 is revised by adding paragraphs (c)(36) and (c)(37) as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(36) "Revisions to Colorado Regulation No. 3 Requiring Air Contaminant Emission Notices, Emission Permits and Fees as it Relates to the Prevention of Significant Deterioration" and "Revisions to Common Provision Regulation as Related to Regulation 3." Changes submitted April 18, 1983, by the Governor.

(37) Supplemental information submitted on December 16, 1985, by the Colorado Department of Health concerning compliance with EPA's stack height regulations in issuing PSD permits.

(i) Incorporation by reference.

(A) Revisions to Regulation 3 and Common Provisions Regulation adopted March 10, 1983, by the Colorado Air Quality Control Commission.

(B) Supplemental information submitted on December 16, 1985, by the Colorado Department of Health concerning compliance with EPA's stack height regulation in issuing PSD permits.

3. In § 52.343, paragraph (a) is revised to read as follows:

§ 52.343 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met for the following categories of sources for preventing the significant deterioration of air quality:

(1) Kraft Pulp Mills:
Primary Zinc Smelters
Primary Aluminum Ore Reduction Plants
Primary Copper Smelters
Municipal Incinerators (capable of charging more than 250 tons of refuse per day)
Hydrofluoric Sulfuric and Nitric Acid Plants
Phosphate Rock Processing Plants
Sulfur Recovery Plants
Carbon Black Plants (furnace process)
Primary Lead Smelters
Secondary Metal Production Plants
Chemical Process Plants
Taconite Ore Processing Plants
Glass Fiber Processing Plants
Charcoal Production Plants

(2) Sources avoiding requirements based on exemptions in Colorado Regulations on the basis of fugitive dust that would not be exempt under § 52.21.

(3) Sources exempt under Regulation 3.I.B.2.c.viii.

(4) Sources exempt under the following Colorado Common Provision Regulation definition of Stationary Source: "Except that properties which are or will be used only for right-of-way, transmissions, gathering, transportation, communication, pipeline, or similar purposes shall not be considered contiguous or adjacent."

(5) Sources locating on Indian lands.

(6) Sources that would receive a Colorado permit based upon the provision covering Time Constraints on Division Action found on Regulation 3.IV.F.

(7) Sources that would avoid compliance with their permits due to that portion of Regulation 3.IV.H.4 allowing an administrative compliance waiver for as long as six months to a new source which violates a term of its permit.

(8) Sources which were regulated under section 111 or 112 of the Clean Air Act as of August 7, 1980 with the exception of those sources for which fugitive emissions will be included

incalculating potential to emit in the Colorado Regulation.

[FR Doc: 86-19596 Filed 8-29-86; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL-3072-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The USEPA announces final rulemaking on a revision to the ozone portion of the Ohio State Implementation Plan (SIP) to control Volatile Organic Compounds (VOC). This revision will provide an alternative emission control program (bubble) for VOC emission from a gasoline and aviation fuel loading rack located at Standard Oil Company (Standard Oil) in Trumbull County, Ohio. USEPA's final approval is based upon a request which was submitted by the State.

EFFECTIVE DATE: This rulemaking becomes effective on October 2, 1986.

ADDRESSES: Copies of this revision to the Ohio SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, N.W., Room 8301, Washington, DC.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan, at (312) 353-0396, before visiting the Region V Office.)

Ohio Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460

U.S. Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 353-0396.

SUPPLEMENTARY INFORMATION: On April 7, 1982 (47 FR 150756), the Environmental Protection Agency issued an interim Emissions Trading Policy Statement (ETPS) entitled "General Principles for Creation, Banking, and Use of Emission Reduction Credits". This statement indicated that it is the policy of USEPA to encourage use of emission trades to achieve more flexible, rapid and efficient attainment of national ambient air quality standards (NAAQS). This policy statement described emissions trading, sets out general principles USEPA will use to evaluate emission trades under the Clean Air Act, and expands opportunities for States and industry to use these less costly control approaches. The April 7, 1982, notice indicates that until USEPA takes final action on its policy statement, State actions involving emission trades would be evaluated under the provisions set forth in the proposed policy statement.

On September 13, 1983, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for Standard Oil Company. The revision request contains an alternative emission control program (bubble) which is in the form of a variance for VOC emissions from an aviation fuel loading rack located at Standard Oil Company in Trumbull County, Ohio. Under the existing federally approved SIP, each gasoline and aviation fuel loading rack is subject to the control requirements contained in Ohio Administrative Code Rule 3745-21-09(Q).

On June 19, 1984, **Federal Register** (49 FR 25008), USEPA proposed to approve Standard Oil's bubble request. The bubble plan at Standard Oil would reduce the allowable VOC emissions from a gasoline loading rack and, at the same time, would allow an increase in VOC emissions from an aviation fuel loading rack. The throughput at the aviation fuel loading rack is much smaller than the throughput at the gasoline loading rack. The reduction in the allowable VOC emissions from the gasoline rack (from 0.67 pounds per 1000 gallons (#/1000 gal) of gasoline loaded) to 0.66 #/1000 gal of gasoline loaded) is expected to more than offset the increase in allowable VOC emissions from the aviation loading rack. The SIP revision would affect the VOC emissions at the aviation fuel loading rack by removing the 0.67 #/1000 gal of gasoline loaded limitation, requiring no vapor control. The VOC reduction from the gasoline loading rack is 0.7 tons per year (T/yr) and the increase in allowable VOC emissions from the aviation loading rack is 0.3 T/yr, leading to a minimum overall decrease in allowable VOC emissions of 0.4 T/yr.

The actual and allowable emissions and the resulting change in emissions from before to after the bubble are summarized in the following table:

Emissions (tons/year)	Loading Rack					
	Actual			Allowable		
	Before bubble	After bubble	Change	Before bubble	After bubble	Change
Aviation	0.38	0.38	0.00	0.08	0.38	+0.30
Gasoline	3.62	3.62	0.00	46.74	46.04	−0.70
Total	4.00	4.00	0.00	46.82	46.42	−0.40

During the 30 day public comment period USEPA received comments from Natural Resouces Defense Council (NRDC) and Standard Oil. USEPA's evaluation of these comments are summarized below with USEPA's responses.

1. *Comment:* NRDC comments that this SIP revision should not be approved because it is a "paper" trade. NRDC believes "if this bubble is approved, real pollution will be higher" than without this bubble (emphasis in original), because the emission reduction portion of the bubble is only "a paper change in the emission limit" at the gasoline loading rack.

Response: USEPA believes that, once the Agency has approved a SIP as being adequate to assure timely attainment and maintenance of a national ambient air quality standard, it may approve trades among the emission limits in that SIP so long as the new limits produce air quality that is equivalent to what would result from the SIP limits and the baseline used in the trade is consistent with the assumptions in the attainment demonstration. USEPA has already approved Ohio's SIP for Trumbull County, including the limit of .67 #1000 gals, for loading racks, as adequate to assure timely attainment and maintenance of the ozone standard, RACT 1 **Federal Register** October 31, 1980 (45 FR 72122), and RACT II **Federal Register** June 29, 1982 (47 FR 28097). The emissions reduction required by that limit is greater than the reduction that the area's attainment demonstration found to be needed to attain and maintain the standard.[1]

[1] Ohio's attainment demonstration for the Youngstown urbanized ozone nonattainment area in which the Standard Oil terminal is located showed that by the end of 1982 the SIP would bring a percentage reduction in emissions which was greater than the percentage reduction which analysis of monitoring data found to be necessary

Continued

Consequently, a reduction of emissions to below what that limit requires is a surplus reduction that can be used to offset the increase resulting from the loosening of another emission limit in the same area without interfering with timely attainment and maintenance.

Contrary to the commenter's suggestion, the Clean Air Act does not require USEPA to disapprove a SIP revision just because it would permit increases above the emissions level that would actually occur absent the revision. Rather, the Act permits SIP revisions that relax emission limits if those relaxations do not interfere with timely attainment and maintenance of the air quality standard. See, e.g., *Ohio Environmental Council v. EPA*, 593 F.2d 24 (6th Cir. 1979); *United States Steel Corporation v. EPA*, 633 F.2d 671, 674 (3d Cir. 1980). Here, USEPA has shown that the relaxation of the limit for the aviation fuel facility will not interfere with attainment and maintenance of the ozone standard in Trumbull County or elsewhere because that relaxation is balanced by the tightening of the SIP requirement for the gasoline loading rack.

NRDC nonetheless maintains that USEPA should not recognize the SIP tightening at the gasoline loading racks because the tighter limit (0.66 #/1000 gals.) does not reflect the installation of control equipment that is different from what would have been installed to meet the current limit. For bubbles in nonattainment areas with adequate, approved attainment demonstrations, however, USEPA does not require such a showing. As just described, the issue is whether the new limits will interfere with timely attainment and maintenance of the standard. Whether the source anticipates changing its choice of control equipment as a result of the revisions is irrelevant. As shown above, the resulting set of emission limits will produce emission reductions at least as great as what the SIP requires and the approved demonstration assumes and, therefore, will not interfere with attainment and maintenance of the standard.

to attain and maintain the standard. To support this showing, the State presented an inventory of the area's emissions and the percent emission reduction expected from each source or category of sources by the end of 1982, as well as the average percent reduction expected from the area's sources. That inventory did not reflect emissions reductions from the Standard Oil Niles terminal. The loading rack limit, however, in fact required that the terminal reduce its emissions before the end of 1982 by roughly 80 percent, an amount greater than the average areawide percent reduction that the rollback demonstration showed necessary (i.e., 44 percent).

2. *Comment:* NRDC comments that Trumbull County remains nonattainment for ozone, and notes in fact that on June 12, 1984, USEPA denied an Ohio request for redesignation of this county from nonattainment to attainment. NRDC notes thus that Trumbull County remains nonattainment after the 1982 attainment deadline, and concludes that "the area is in need of all available VOC reductions as quickly as possible."

On the same issue, Standard Oil comments that "even though Trumbull County had its nonattainment status retained, this appears to have been on the basis of proximity to the Youngstown urban area, rather than on monitoring or actual emissions data". Thus, Standard Oil asserts that "the nonattainment designation does not mean that VOC reductions are immediately required."

Response: Both commentors are correct that on June 12, 1984, USEPA chose to maintain the nonattainment status of Trumbull County, and Standard Oil is correct that the stated rationale for this action was Trumbull County's proximity to Youngstown. In fact, the Youngstown urbanized area extends into Trumbull County and even includes the City of Niles, where the Standard Oil facility is located. Thus, to the extent that further emission reductions are needed in the Youngstown area in general, these needs apply in specific to the area in which Standard Oil has its Niles Terminal.

Table 1 summarizes available ozone air quality data in the Youngstown area. USEPA policy on redesignations is to use the three most recent years of data. Thus, it is clear from the data in Table 1 that the Youngstown area should continue to be designated nonattainment.

TABLE 1.—AIR QUALITY DATA FROM THE YOUNGSTOWN AREA

Site name	Site address	Year	High conc.	2nd high conc.	No. of exceedances	Expected exceedance
Youngstown	Metropolitan Tower.	1980	.160	[1]—	1	1.1
		1981	.145	130	2	2.1
		1982	.135	[1]—	1	1.2
		1983	.125	[1]—	1	1.4
Youngstown	9 West Front St..	1984	[1]—	[1]—	0	0.0

[1] "—" indicates that concentration is not an exceedance.

USEPA's June 12, 1984 judgment that the Youngstown area should continue to be designated nonattainment does not necessarily mean that the area will be found to have violated the standard after 1982. This seeming paradox arises because that judgment was based only on one year of data after 1982 [2]; that is, USEPA's judgment that the areas should still be designated nonattainment in part reflected 1981 and 1982 air quality data.

USEPA has made several calls for ozone SIP revisions in areas that were required to achieve the ozone standard by the end of 1982 but appear unlikely to have done so. In Youngstown, however, it is not yet sufficiently clear whether the area will be found to have attained the standard after 1982. Many of Ohio's RACT regulations had compliance dates at the end of 1982, and it is quite possible that, as forecast in the SIP, these emission reductions will be sufficient to attain the standard as of then. Currently available data from 1983 and 1984 indicate an expected frequency of exceedances of 0.7 per year, which is less than the attainment frequency of 1.0 per year, the threshold beyond which an area is in nonattainment. Thus, it is not clear that the Youngstown area has been violating the standard since 1982, and in fact it appears likely that once a full three years of air quality data after 1982 are available, these data will show the area to have been in attainment since then.

This information does not suggest that the area's SIP is substantially inadequate to attain and maintain the ozone standard within the meaning of section 110(a)(2)(H) of the Clean Air Act. Rather, the information indicates that, absent additional data suggesting that the recent air quality improvement is temporary, USEPA may continue to assume that the current SIP limits and any equivalent set of limits will be adequate for that purpose. For these reasons, USEPA does not believe that the current nonattainment designation for Trumbull County precludes reliance on the current Trumbull County SIP limits, including the gasoline loading rack limit, as the appropriate trading

[2] USEPA when possible uses three years of air quality data to evaluate attainment status.

baseline for this bubble. Nor does the designation mean that USEPA must disapprove a SIP revision for the area just because it does not require the achievement of "available VOC reductions as quickly as possible." In light of the adequacy of the current SIP, USEPA has no authority to disapprove an even trade among the current limits just because greater emission reductions might actually result absent the trade.

3. *Comment:* NRDC comments that the limit of 0.67 #/1000 gal does not represent reasonably available control technology (RACT) for either the gasoline loading rack or the aviation fuel loading rack. NRDC supports this contention by citing information supplied by Standard Oil that the gasoline loading rack actually achieves an emissions level of 0.052 #1000 gal. NRDC also calculates that the same 97.3 percent control effectiveness would lead to emissions at the aviation fuel loading rack being 0.092 #/1000 gal. NRDC concludes that 0.67 #/1000 is not a suitable RACT baseline against which to calculate the impact of the bubble, and further indicates that USEPA should call for a statewide SIP revision to tighten the fuel rack emission limit.

Standard Oil responded to the NRDC comment, saying that "the only data relied on by NRDC . . . is a single test at a single terminal," and that test was conducted before certain programs which would increase vapor loading at the terminal were fully implemented (viz Stage I vapor recovery and leak tightness testing). Standard Oil also noted that when USEPA adopted new source performance standards for terminals in 1983 (representing USEPA's judgment about best available control technology (BACT)), USEPA "expressly decided not to change" the 0.67 #/1000 gal RACT limit. Finally, Standard Oil asserts that 0.67 #/1000 gal does not represent RACT for the aviation fuel loading rack, since this limit would cost $8.40 per pound hydrocarbon removed as compared to the 3 to 5 cents per pound costs applicable to the controls that USEPA considers RACT for this source category.

Response: USEPA approved the 0.67 #/1000 gals limit as reflecting RACT for fuel loading racks when it approved the SIP for Trumbull County. October 31, 1980 Federal Register (45 FR 72122).

As indicated in the previous response, USEPA does not believe that it is required to reassess its previous approval absent new information that shows that the SIP limits are substantially inadequate to attain and maintain the ozone standard in the area. As noted in an earlier response, the available information does not show that the SIP is substantially inadequate. In addition, neither commenter has demonstrated conclusively that the existing emission limitation does not represent RACT. For these reasons, USEPA has not issued a deficieny notice for the area's ozone SIP,. and the current RACT limit continues to form the proper trading baseline for the affected loading racks.

4. *Comment:* NRDC comments that this bubble violates USEPA's bubble policy insofar as the bubble takes credit for a reduction in allowable emissions, whereas the bubble policy requires the use of actual emissions in this case. NRDC notes that the bubble policy only permits the use of allowable emissions if the area has an approved attainment demonstration based on allowable emissions. NRDC then argues that even if the Trumbull County SIP were based on allowable emissions, the fact of nonattainment beyond the 1982 attainment deadline would show that the SIP allowed too much emissions, therefore indicating that SIP allowable emissions is an inappropriate baseline in this case.

Standard Oil states that use of allowable emissions as the trading baseline is appropriate here, particularly since the amount of emissions involved is small and the nonattainment designation is based on being downwind of an urban area.

Response: USEPA's bubble policy states that where an area's attainment demonstration has been approved by USEPA, "the baseline must be consistent with assumptions used to develop the area's SIP". The ozone SIP for Trumbull County uses a hybrid emission inventory which cannot be simply labeled as either actual or allowable emissions. The emissions assumed in the inventory to occur at the end of 1982 were a projection of the actual activity level of each emission source times the emission rate which is required to be achieved from the source under the SIP. The percent emission reduction associated with the Standard Oil terminal's allowable emissions rate, assuming a constant activity level, is greater than the average areawide percent reduction that the inventory calculations showed necessary to attain and maintain the ozone standard. Thus, as indicated in the footnote in the response to the first comment, any reduction beyond that level is a reduction not relied on in the demonstration and is, therefore, surplus.

5. *Comment:* NRDC comments that "it is no argument" to support this bubble on the basis that few emissions are being traded. NRDC states that "the principle is at issue here" and notes that with approval of this bubble, Standard Oil and other companies can be expected "cash in" on more of the 13-fold difference between its actual and allowable emissions.

Response: The principles reflected in the policy against which this bubble is being reviewed apply equally to "large" and "small" bubbles. USEPA does not consider it germane whether approvable credit is large or small so long as these principles are adhered to.

6. *Comment:* NRDC states that "the bubble is unenforceable because the difference between 0.67 and 0.66 #/1000 gal cannot be reliably measured. Standard Oil states that "despite the inherent inaccuracies in the test method, the new limit would be just as enforceable as the current limit". Standard Oil also notes that because the SIP limit for Niles Terminal is being revised, the bubble policy "indicates that the proposed bubble 'automatically' satisfies the enforceability test".

Response: In judging whether this bubble is approvable, USEPA must judge whether a 0.66 #/1000 gal limit would be enforceable. NRDC appears to be correct that current test methods cannot accurately measure differences of 0.01 #/1000 gal. However, the question is not whether the test method can distinguish between 0.67 and 0.66 #/1000 gal; instead, the question is simply whether the test method can give a reasonable indication of whether the source emits above or below 0.66 #/1000 gal. USEPA has previously found the 0.67 #/1000 gal limit to be enforceable, and the 0.66 #/1000 gal is equally enforceable. Standard Oil also is correct in implying that a federally approved SIP revision provides a suitable legal instrument for enforcing the bubble.

7. *Comment:* Standard Oil comments that although it is prepared to accept this revised SIP, it believes that the bubble is unnecessary because the rack which is being allowed to increase emissions (the aviation fuel rack) is exempted under Ohio's RACT rules. Standard Oil argues that the aviation fuel rack receives its shipments by truck, that this rack should, therefore, be classified as a bulk gasoline plant, and that under Ohio's regulations for bulk gasoline plants this source would be exempted.

Response: Ohio's regulations define a bulk gasoline terminal as a ". . . facility which received [petroleum] primarily via pipeline, ship or barge . . ." The term facility can be assumed to signify a collection of all emission points within a single property. In the case of the facility known as Niles Terminal, it may be

assumed in the absence of information to the contrary that the gasoline loading racks receive gasoline principally by pipeline. Since Standard Oil has shown that gasoline is the overwhelming fraction of the overall petroleum dispensed, the entire Terminal must be considered subject to the regulations for bulk terminals.

Based on its review of Ohio submittal and its consideration of public comments, USEPA has determined that the bubble is approvable. The bubble consists of enforceable emission limitations, and there will be no net increase above the emissions allowed by the USEPA-approved SIP and assumed in the USEPA-approved attainment demonstration. Therefore, USEPA is taking final action today to approve this Standard Oil bubble.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 3, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52:

Air pollution control, Incorporation by Reference, Ozone, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register, on July 1, 1982.

Dated: August 19, 1986.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

Subpart KK—Ohio

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1870 is amended by adding paragraph (c)(69) as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(69) On September 13, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for Volatile Organic Compound emissions from a gasoline and aviation fuel loading rack located at Standard Oil Company in Trumbull County, Ohio.

(i) *Incorporation by reference.* (A) An August 26, 1983, Permit and Variance to Operate an Air Contaminant Source Terms and Conditions, Application No. 02 78 06 0355 J001 and 02 78 06 0355 J002, for Niles Terminal Station N. 234, Niles Aviation Gasoline Bulk Terminal.

[FR Doc. 86–19597 Filed 8–29–86; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of American Alligators Taken in 1986 Through 1988 Harvest Seasons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final findings and rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species. As a general rule, exports of animals and plants listed in Appendix II of CITES may occur only if a Scientific Authority (SA) has advised a permit-issuing Management Authority (MA) that such exports will not be detrimental to the survival of the species, and if the MA is satisfied that the animals or plants were not obtained in violation of laws for their protection. This notice announces final findings by the SA and MA of the United States on the export of American alligators. Previously, these findings were made to span three harvest seasons, 1983–85. This year the Fish and Wildlife Service (Service) intends to make these findings to cover the 1986–1988 harvest seasons.

DATE: These findings are effective on September 2, 1986.

ADDRESS: Please send correspondence concerning this notice to the Office of Scientific Authority, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, DC 20240. Materials received will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, at the Office of Scientific Authority, room 537, 1717 H Street, NW., Washington, DC or at the Federal Wildlife Permit Office, room 621, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:
Scientific Authority Finding—Dr. Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (202) 653–5948
Management Authority Finding—Mr. Earl B. Baysinger, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 235–1937
Export Permits—Mr. Richard K. Robinson, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 235–1903

SUPPLEMENTARY INFORMATION: This is the second of two notices concerning the Service's findings on export of American alligators taken in the 1986–1988 harvest seasons. The first notice (51 FR 18634; May 21, 1986) announced proposed findings by the SA and MA of the United States on the export of American alligators. The Service invited comments from the public at that time. One comment from a sportsmen's organization along with information from the three involved States were received.

Scientific Authority (SA) Findings

Article IV of CITES requires that an export permit for any specimen of a species included in Appendix II shall only be granted when certain findings have been made by the SA and MA of the exporting country. The SA must advise "that such export will not be detrimental to the survival of that species" before a permit can be granted.

The SA for the United States must develop such advice on nondetriment for the export of Appendix II animals in accordance with Section 8A of the Endangered Species Act of 1973, as amended in 1982. The Act states that the Secretary of the Interior "shall base the determinations and advice given by him under Article IV of the Convention with respect to wildlife upon the best available biological information derived from professionally accepted wildlife management practices; but is not required to make, or require any State to make, estimates of population size in making such determinations or giving such advice."

The American alligator is listed in Appendix II to respond both to problems of potential threat to the survival of American alligators [CITES Article II.2(a)] and similarity in appearance to other crocodilians that are threatened with possible extinction [CITES Article II.2(b)]. The Regional 10-year review of the appendices confirmed the suitability of this treatment, as set forth in the proposal that the Conference of the

Parties adopted in 1979 to transfer this species to Appendix II. The Service will address the issue of similarity in appearance through tagging of hides and documentation of shipments of meat and parts. Inasmuch as the alligator is listed partly because of a potential threat to its survival [based on previous population declines that have been reversed in most parts of its range in the United States), the Service also must determine if exports will not be detrimental to the survival of the American alligator itself.

Guidelines developed for SA advice on exports of alligators under the provisions of CITES Article II.2(a) have been revised to conform with the 1982 Amendments to the Endangered Species Act (see 48 FR 16494, April 18, 1983). They are as follows:

A. Minimum Requirements for Biological Information

(1) Information on the condition of the population, including trends (the method of determination to be a matter of State choice), and population estimates where such information is available.

(2) Information on total harvest of the species, each harvest season.

(3) Information on distribution of harvest.

(4) Habitat evaluation.

B. Minimum Requirements for a Management Program

(1) There should be a controlled harvest with methods and seasons to be a matter of State choice.

(2) All hides, meat, and parts should be registered and marked accordingly.

(3) Harvest level objectives should be determined annually by the States.

The Service finds that current information on population status, management, and harvest submitted by the States of Florida, Louisiana, and Texas, as well as that collected by the Service fully support a finding that the export of alligators taken in accordance with State regulations in Florida, Louisiana, and Texas for the 1986–1988 harvest seasons will not be detrimental to the survival of the species in those States. Tagging of hides by the States and documentation of shipments by the MA provide assurance that export will not reduce the effectiveness of CITES in controlling trade in other species of crocodilians. Documents containing information that provides the basis for SA advice for alligators in each of these States are available for public inspection at the Office of Scientific Authority (address given above).

Management Authority (MA) Findings

Exports of Appendix II species are to be allowed under CITES only if an SA has advised that the exports are not detrimental to the survival of the species and if the MA is satisfied that the specimens were not obtained in contravention of laws for the protection of the wildlife or plants. The Service, therefore, must be satisfied that alligator hides, meat, or parts were not obtained in violation of State or Federal laws in order to allow export. Evidence of legal taking for American alligator is provided by Service-approved, State tagging systems. The Service requires the State tagging program to apply locking nylon tags with embossed legends to legally harvested alligator hides as evidence of compliance with CITES regulations (50 CFR 17.42(a)). Tags and State documentation must clearly identify hides, meat, and parts as to species, State of origin, and season of taking.

The Service will supply suitable export tags free of charge to qualifying States for alligators harvested during the period covered by these final findings, or each State may use its own Service-approved tags if they meet the tag requirements described in the export guidelines below.

The Service has adopted the following MA export guidelines (49 FR 1058; January 9, 1984) for the export of hides. The guidelines for the export of meat and parts were proposed for the first time in the May 21, 1986, Federal Register notice.

(1) Current State hunting, trappings, tagging, selling, and shipping regulations and sample hide export tag, "parts tag", and meat-package and package sealing devices must be on file with the Service (Federal Wildlife Permit Office).

(2) Hide export:

(a) The hide export tag must be durable and permanently locking, and must show State of origin, year to take, species, and be numerically unique;

(b) The hide export tag must be applied to all hides within a minimum time after take, as specified by the State, and such time should be as short as possible to minimize movement of untagged hides;

(c) The hide export tag must be permanently attached as authorized and prescribed by the State;

(d) State-registered agents or State-licensed takers permitted by the State to attach tags must account for tags received and must return unused tags to the State within a specified time after the taking season closes; and

(e) Fully manufactured hide products may be exported from the United States when accompanied by State hide export tags removed from hides contained in the products; such tags must be surrendered to the Service prior to export.

(3) Meat export: Meat from legally harvested and tagged alligators is to be packed in uniform (within the State) containers, permanently sealed and labeled as required by State law. Bulk meat is to be marked with a State "parts tag" or "bulk meat tag" permanently attached. Container label or "parts tag" should indicate, as a minimum, State of origin, year of take, species, weight of package or unit, identification of State licensed harvester, and identification of State licensed processor or packer.

(4) Other parts:

Alligator skulls should carry a "parts tag" and be marked with the number of the original U.S.-CITES export tag used for the hide of that individual, as required by State law.

"Parts tags" used for alligator parts should supply the same information as described for such tags used to mark alligator meat.

The Service has reviewed the alligator tagging programs of Florida, Louisiana, and Texas and has found that they fully meet these guidelines.

Export Approval

The Wildlife Legislative Fund of America submitted comments supporting the Service's proposed findings and rule concerning export of American alligators in 1986 and subsequent harvest seasons, and the State wildlife agencies of Florida, Louisiana, and Texas provided additional biological and harvest information.

The Service has decided to approve the export of American alligators lawfully taken during the 1986–1988 harvest seasons in Florida, Louisiana, and Texas on the grounds that both SA and MA criteria have been met. The Service plans to continue annual reviews to ensure that export does not become detrimental to the survival of the species. This annual monitoring will consist of, but not be limited to, review of management and export tagging programs, review of information in annual reports available from the States, and examination of export information collected at the ports.

For all other States not named above, either the taking of this species is not yet allowed by the State, the species does not occur in the State, or the State did not provide the Service with information on which to base SA and MA findings. The Service does not grant general approval for export of specimens of this species originating in such States.

Additional States within the species' natural range may find that a change in Federal laws controlling this species has

made their alligators eligible for harvest and commerce. A State seeking to begin a harvest program for export purposes under CITES should provide biological and management program information as described in this notice to enable the Service to issue SA and MA findings.

The findings announced in this notice are effective immediately. It is the Service's opinion that a delay in the effective date of the regulations after this final rulemaking is published could adversely impact the species by preventing the international marketing of hides (where commercial harvest is an important part of the State conservation programs) thereby reducing the incentive for takers or dealers to comply with State requirements in Florida, Louisiana, and Texas. The rule extends export approval for the same States that were approved for export in the previous years without any adverse public comment. The Service, therefore, finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, for these regulations to take effect immediately upon publication. Further, because this rule relieves a restriction on export, it may take effect immediately under 5 U.S.C. 553(d)(1).

This final rule is issued under authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The primary authors are Dr. Richard M. Mitchell, Office of Scientific Authority, and S. Ronald Singer, Federal Wildlife Permit Office.

Note.—The Department has determined that these final findings on the export of American alligator taken in the 1986–1988 harvest seasons are not a major Federal action that would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and therefore the preparation of an Environmental Impact Statement is not required. The Department also has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601). The findings will allow a continuation of the export of specimens taken in accordance with State programs that have operated for several years without adversely affecting the resource. The findings do not contain any information collection or recordkeeping requirements as defined by the Paperwork Reduction Act of 1980.

List of Subjects in 50 CFR Part 23

Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

PART 23—ENDANGERED SPECIES CONVENTION

Accordingly, the Service amends Part 23 of Title 50, Code of Federal Regulations, as set forth below:

1. The authority citation for 50 CFR Part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; and Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–43.

2. In § 23.57, add new paragraph (g) to read as follows:

§ 23.57 American alligator (Alligator mississippiensis).

* * * * *

(g) *1986–1988 harvests:* Florida, Louisiana, and Texas.

Condition on export: Each hide must be clearly identified as to species, State of origin, and season of taking, and must be tagged by a permanently attached, serially numbered tag of a type approved by the Service that is attached under conditions established by the Service. Fully manufactured hide products may be exported from the United States when accompanied by State hide export tags removed from hides contained in the products; these tags must be surrendered to the Service prior to export.

Meat from legally harvested and tagged alligators shall be packed in uniform containers, permanently sealed and labeled as required by State law. Bulk meat shall be marked with a State "parts tag" or "bulk meat tag" permanently attached indicating, at a minimum, State of origin, year of take, species, weight of package or unit, identification of State licensed harvester, and identification of State licensed processor or packer.

Large individual parts shall have a "parts tag" permanently attached, while smaller parts may be packed with a "parts tag" permanently attached to the package. Alligator skulls shall carry a "parts tag" and also be marked with the number of the original U.S.-CITES export tag used for the hide of that individual, and other markings, as required by State law. "Parts tags" shall supply the same information as described for such tags used to mark alligator meat.

Dated: August 20, 1986.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-19760 Filed 8-29-86; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 51, No. 169
Tuesday, September 2, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1065, 1068, and 1079

[Docket Nos. A0-178-A40, A0-86-A44, and A0-295-A37]

Milk in the Upper Midwest, Nebraska-Western Iowa, and Iowa Marketing Areas; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rules.

SUMMARY: This notice extends until September 26, 1986, the deadline for filing exceptions to the August 6, 1986 recommended decision concerning proposed amendments to the Upper Midwest, Nebraska-Western Iowa and Iowa milk orders. A proprietary handler and a cooperative association that supplies milk for the Nebraska-Western Iowa market jointly requested the additional time to prepare exceptions. The petition states that more time is needed because of preparation for another federal order proceeding and to allow adequate time to prepare appropriate comments.

DATE: Exceptions now are due on or before September 26, 1986.

ADDRESS: Comments (five copies) should be filed with the Hearing Clerk, Room 1079, South Building, United States Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding.

Notice of Hearing: Issued February 25, 1986; published March 3, 1986 (51 FR 7280).

Recommended Decision: Issued August 6, 1986; published August 12, 1986 (51 FR 28819).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the orders regulating the handling of milk in the Upper Midwest, Nebraska-Western Iowa and Iowa marketing areas, which was issued on August 6, 1986, is hereby extended to September 26, 1986.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

List of Subjects in 7 CFR Parts 1065, 1068 and 1079

Milk, Milk marketing orders, Dairy products.

The authority citation for 7 CFR Parts 1065, 1068 and 1079 continues to read as follows:

Authority: (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Signed at Washington, DC, on: August 27, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-19748 Filed 8-29-86; 8:45 am]

BILLING CODE 3140-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-164-AD]

Airworthiness Directive; Boeing Model 747 Series Airplanes With the One-Piece Escape Slide Installed at Door No. 3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require modification of the Door No. 3 escape slide attachment to the door. An investigation has determined that there is insufficient strength in the attachment of the escape slide pack to the door to resist vertical loads. This could lead to the slide pack becoming detached from the door during an accident. This condition, if not corrected, could prevent deployment of the escape slide, thus delaying and possibly jeopardizing successful emergency evacuation of the airplane.

DATES: Comments must be received no later than October 20, 1986.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-164-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Young, Airframe Branch, ANM-120S, telephone (206) 431-2929. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public

contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-164-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

As the result of an investigation conducted by the airplane manufacturer, the FAA has determined that the vertical loads resulting from a minor crash landing could result in detachment of the escape slide pack from the door. Detachment of the escape slide could prevent deployment of the slide, thus delaying an emergency evacuation of the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 747-25A2710, dated July 15, 1986, which describes a modification to increase the load capability of the escape slide attachment to prevent detachment from the door.

Since this condition may exist or develop on other airplanes of the same type design, the proposed AD would require modification to the escape slide pack in accordance with Boeing Service Bulletin 747-25A2710.

It is estimated that 50 airplanes of U.S. operators would be affected by this AD, that it would take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The cost of necessary parts is estimated at $1,840 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $108,000.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 747 airplanes, certificated in any category, equipped with the single-piece escape slide at Door No. 3. To ensure that the escape slide pack remains in proper position on the door in the event of a minor crash landing, accomplish the following, unless already accomplished:

A. Within twelve months after the effective date of this AD, modify the escape slide attachment in accordance with Boeing Alert Service Bulletin 747-25A2710, dated July 15, 1986, or later FAA-approved revisions.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received the appropriate service bulletin from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 22, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-19656 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-NM-175-AD]

Airworthiness Directive; Boeing Model 737-100 and 737-200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to add an airworthiness directive (AD), applicable to certain Boeing Model 737 airplanes, which would require replacement of certain underwing fuel tank access covers with stronger, fire-resistant covers. This action is prompted by one incident of cover penetration, which resulted in a fire and total loss of the airplane.

DATE: Comments must be received on or before October 20, 1986.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-175-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton A. Holmes, Airframe Branch, ANM-120S; telephone (206) 431-2926. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available,

both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-175-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On August 22, 1985, in Manchester, England, an incident occurred in which a wing fuel tank access cover near the engine on a Boeing Models 737-200 airplane was penetrated on takeoff, due to an engine failure. The engine part which penetrated the door had relatively low impact velocity. The massive fuel spillage and fire which ensued destroyed the airframe. Numerous fatalities resulted from this accident.

It is common practice to locate fuel in the wings of airplanes and to install fuel tank access covers on wing surfaces. On numerous models, these covers are located on the lower wing surface and are of a type of construction which is susceptible to fracture from impact of foreign objects, such as engine and tire debris. A massive fuel spillage can lead to a catastrophic fire, as occurred in the incident previously mentioned.

Although it is extremely difficult to stop penetrations from high energy engine debris, it is possible to minimize fuel spillage by replacing covers in likely impact areas with improved covers less susceptible to fracture. The affected covers on Boeing Models 737-100 and 737-200 airplanes, which this proposed AD addresses, have been demonstrated to be a safety hazard, as evidenced by the aforementioned incident. These fuel tank access covers are in close proximity to the engines. To correct this unsafe condition, this proposed airworthiness directive would require that Boeing Model 737-100 and 737-200 lower wing access covers immediately adjacent to the engines be replaced with covers of substantially improved impact resistance. Furthermore, these covers must be shown to be "fire resistant" as defined in Federal Aviation Regulations, Part 1. The manufacturer has developed both a retrofit and new replacement design that provides an acceptable level of safety, and it is anticipated that these would be available in sufficient quantities such that operators may comply in a timely manner with the requirements of this proposal.

It is estimated that 396 airplanes of U.S. registry would be affected by this AD, that approximately 16 manhours per airplane would be required to replace the affected covers, and that the average labor charge would be $40 per manhour. Replacement costs are estimated to be $500 per cover (4 covers per airplane). Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $1,045,440.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 737-100 and 737-200 series airplanes, certificated in any category. To minimize the hazard of lower wing surface fuel tank access cover penetration due to impact from low energy engine and tire debris, accomplish the following, unless already accomplished.

A. Within the next year after the effective date of this AD, replace the lower wing surface fuel tank access covers located immediately inboard and outboard of each engine (total of four per airplane), with covers having impact resistance equivalent to that of 2024-T3 aluminum 0.140-inch thick, as approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. The replacement doors must also be fire resistant as defined in the Federal Aviation Regulations, Part 1.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

Issued in Seattle, Washington, on August 22, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-19655 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-CE-36-AD]

Airworthiness Directive; British Aerospace (BAe) Model 3101 Jetstream Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain BAe Model 3101 Jetstream airplanes which would require the removal and replacement of certain BAe modified fuel, hydraulic and water methanol system valves. These valves have been found to fail by shearing off the top of the valve spindle, resulting in the inability to operate the valve in critical flight conditions. The actions of this AD will preclude fuel, hydraulic and methanol system failure and possible loss of the airplane.

DATE: Comments must be received on or before November 7, 1986.

ADDRESSES: BAe Mandatory Service Bulletin (MSB) 28-JA850911 dated June 13, 1986, which incorporates HiTemp Service Bulletin HTE 4925/1-SB-1 dated August 19, 1985, applicable to this AD may be obtained from British Aerospace plc, Manager, Product Support, Civil Aircraft Division, Prestwick Airport, Ayrshire, KA9 2RW, Scotland; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041; or the Rules Docket at the address below. Send comments on the proposal in duplicate

to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-CE-36-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Ebina, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, B-1000 Belgium; Telephone (322)-513.38.30; or Mr. Harvey A. Chimerine, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-CE-36-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

In service experience by the manufacturer of the Hi-Temp HTE 1 inch actuated ball valves, shows that valve spindle HTE Part Number (P/N) 4925-005 is understrength and that the top of the spindle can shear off, resulting in the valve failing to operate in critical flight conditions. These valves are used in certain BAe Model 3101 Jetstream airplanes.

As a result, BAe has issued BAe MSB 28-JA850911 dated June 13, 1986, which requires the modification of the valves in accordance with HTE SB 4925/1-SB-1 by removing the HTE P/N 4925-005 and replacing it with a larger diameter, increased strength valve spindle HTE P/N 4925-013. The Civil Airworthiness Authority of the United Kingdom (CAA-UK) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in United Kingdom has classified this service bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of CAA-UK combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of BAe MSB 28-JA850911 dated June 13, 1986, which incorporates HiTemp SB HTE 4925/1-SB-1 dated August 19, 1985, and the mandatory classification of this Service Bulletin by CAA-UK. Based on the foregoing, the FAA believes that the condition addressed by BAe MSB 28-JA850911 dated June 13, 1986, which incorporates HiTemp SB HTE 4925/1-SB-1 dated August 19, 1985, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require on BAe Model 3101 Jetstream airplanes, the installation of BAe Modification JM7519 in the BAe fuel, hydraulic and water methanol system valves, by removing HTE P/N 4925-005 and replacing it with HTE P/N 4925-013.

The FAA has determined there are approximately 23 airplanes affected by the proposed AD. The cost of modifying these airplanes according to the proposed AD is estimated to be $480 per airplane. The total cost is estimated to be $11,040 to the private sector.

The cost of compliance with the proposed AD is so small that the expense of compliance will not be a significant financial impact on any small entities operating these airplanes.

Therefore, I certify that this action (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

British Aerospace: Applies to Model 3101 Jetstream, (S/N 642 to 646, 648 to 655, 657, 658 and 660 to 666 inclusive) airplanes, certificated in any category.

Compliance: Required within 600 hours time-in-service (TIS) after the effective date of this AD unless already accomplished.

To ensure operation of fuel/hydraulic and water methanol system valves during critical flight operations, accomplish the following:

(a) Modify the HiTemp Valves Part Number (P/N) HTE 4925-001 as follows:

(1) Remove the valves in accordance with Section 2. "ACCOMPLISHMENT INSTRUCTIONS" paragraph A "PREPARATION" in British Aerospace (BAe) S/B 28-JA850911 dated June 13, 1986.

(2) Replace valve spindles P/N 4925-005 with strengthened spindles P/N 4925-013 in HiTemp Model HTE 1" Actuated Ball Valves in accordance with Section 2. "ACCOMPLISHMENT INSTRUCTIONS" in HiTemp SB HTE 4925/1-SB-1 dated August 19, 1985, on those valves located as follows:

(i) Fuel System—left and right LP cocks at wing leading edges outboard of the engines, and crossfeed cock on fuselage center section.

(ii) Hydraulic System—left and right LP cocks in the hydraulic installations below fuselage center section.

(iii) Water Methanol System (if fitted)—stop valves in the left and right main landing gear bays.

(3) Re-install and carryout functional tests of the valves in accordance with Section 2 "ACCOMPLISHMENT INSTRUCTIONS", paragraph B "ACCOMPLISHMENT" in BAe S/N 28-JA850911 dated June 13, 1986.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, B-1000, Brussels, Belgium.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to British Aerospace plc, Manager, Product Support Civil Aircraft Division, Prestwick Airport, Ayrshire, KA9 2RW, Scotland, or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 22, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-19660 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-NM-161-AD]

Airworthiness Directive: Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD) that would require inspections and replacement of the pylon attach fitting-to-skate-angle bolts on Lockheed L-1011 airplanes. This action is necessary to detect broken H-11 bolts that have failed due to stress-corrosion. Failure of more than two bolts, in combination with maximum limit load conditions, could lead to engine separation from the wing.

DATES: Comments must be received on or before October 20, 1986.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-161-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: L-1011, Technical Operations, Dept. 63-38. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Kyle L. Olsen, Aerospace Engineer, Airframe Branch, ANM-121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6319.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communication received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-161-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Lockheed model L-1011 wing pylon attach fitting-to-skate-angle bolts are fabricated from H-11 steel. Operators have discovered six broken bolts, one each on six different airplanes. These airplanes had accumulated between 18,000 and 34,000 hours time-in-service. Metallurgical analysis of one of the cracked bolts showed that corrosion pitting led to stress-corrosion cracking.

Each pylon has three joints and each joint has a total of six bolts. Stress analysis shows that the joint has ultimate strength with one broken bolt, and limit strength with two broken bolts in the same joint. However, more than two broken bolts in the same joint would reduce the joint strength to less than limit load capability. The combination of more than two failed bolts in a joint and exposure to maximum limit load conditions could lead to engine separation.

The FAA has reviewed and approved Lockheed Service Bulletin 093-54-049, dated June 12, 1986, which describes the inspection procedures and replacement instructions of the wing pylon attach fittings-to-skate-angle bolts.

Since this situation is likely to exist or develop on other airplanes of the same type design, the proposed AD would require inspection and replacement of the wing pylon attach fittings-to-skate-angle H-11 bolts, in accordance with the service bulletin previously mentioned.

It is estimated that 120 airplanes of U.S. registry would be affected by this AD; that it would take approximately 50 manhours per airplane to accomplish the required inspections and 110 manhours per airplane to replace all of the bolts, plus approximately $720 for new bolts per airplane; and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $854,400.

For these reasons, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model L-1011-385 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation Safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Lockheed-California Company: Applies to Lockheed Model L-1011-385 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent engine separation due to broken pylon attach fittings-to-skate-angle bolts, which are cracking because of stress-corrosion, accomplish the following:

A. Before accumulating a total of 15,000 hours time-in-service or within the next 3,000 hours time-in-service after the effective date of the AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 hours time-in-service, accomplish the following:

1. Inspect the pylon attach fittings-to-skate-angle bolts in accordance with the Accomplishment Instructions in Lockheed Service Bulletin 093-54-049, dated June 12, 1986, or later FAA-approved revision.

2. If broken bolts are found, before further flight replace each broken bolt with a new bolt in accordance with the Accomplishment Instructions in Lockheed Service Bulletin 093-54-049 dated June 12, 1986, or later FAA-approved revision.

B. Before accumulating a total of 15,000 hours time-in-service or before January 15, 1989, whichever is later, replace all of the pylon attach fittings-to-skate-angle H-11 steel bolts with stress-corrosion resistant MP-35N bolts in accordance with the Accomplishment Instructions in Lockheed Service Bulletin 093-54-049, dated June 12, 1986, or later FAA-approved revision. The inspections required by paragraph A. may be discontinued after paragraph B. has been accomplished.

C. Alternate means of compliance with this AD which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: L-1011, Technical Operations, Dept. 63-38. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on August 22, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-19653 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-AWA-19]

Proposed Alteration and Revocation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of several Federal Airways located in the States of Minnesota and South Dakota by revoking some airway segments and renumbering other airway segments. This action is in support of the FAA agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate route designations from the National Airspace System (NAS).

DATES: Comments must be received on or before October 17, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 86-AWA-19, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9254.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWA-19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to change the descriptions of several VOR Federal Airways located in the States of Minnesota and South Dakota by revoking all alternate route designations from the NAS. In addition, certain airway segments would be revoked and other segments would be renumbered. This action is in support of the FAA agreement with the ICAO to eliminate all alternate airway designations from the NAS. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-170 [Amended]

By removing the words "including a N alternate via INT Worthington 064° and Fairmont 285° radials;" and by removing the words "That airspace 11,000 feet MSL and below is excluded between Jamestown VORTAC and the Devils Lake VORTAC during the time that the Devils Lake East MOA is activated by NOTAM."

V-430 [Amended]

By removing the words ", including a north alternate via Thief River Falls, MN" and by removing the words ", including a N alternate from Grand Rapids, to Duluth via Hibbing, MN, excluding the airspace between the main and this N alternate airway"

V-191 [Amended]

By removing the words "including an east alternate; to Duluth, MN." and substituting the words "Duluth, MN; Hibbing, MN; Grand Rapids, MN; Bemidji, MN; Thief River Falls, MN; to Grand Forks, ND."

V-129 [Amended]

By removing the words "Hibbing, MN, including an E alternate; International Falls, MN, including a W alternate from Hibbing, INT Hibbing 319° and International Falls 182° radials to International Falls;" and substituting the words "Hibbing, MN; International Falls, MN;"

V-505 [Amended]

By removing the words ", to Grantsburg, WI." and substituting the words "; Grantsburg, WI; Duluth, MI; INT Duluth 331°T(336°M) and Hibbing, MN, 120°T(125°M) radials; Hibbing; INT Hibbing 319°T(314°M) and International Falls, MN, 182°T(176°M) radials; to International Falls."

V-181 [Amended]

By removing the words ", including a W alternate via INT Yankton 015° and Sioux Falls 231° radials" and "including an east alternate;" also, by removing the words ", including an east alternate; Grand Forks, ND, including an east alternate via INT Fargo 004° and Grand Forks 152° radials;" and substituting the words "; Grand Forks, ND"

V-220 [Amended]

By adding the words "From Norfolk, NE; Yankton, SD; INT Yankton 015°T(008°M) and Sioux Falls, SD, 231°T(222°M) radials; Sioux Falls; INT Sioux Falls 004°T(355°M) and Watertown, SD, 154°T(145°M) radials; Watertown; INT Watertown 021°T(012°M) and Fargo, ND, 172°T(163°M) radials; Fargo; INT Fargo 004°T(355°M) and Grand Forks, ND, 152°T(143°M) radials; to Grand Forks."

V-97 [Amended]

By removing the words "Boiler, including a W alternate via Indianapolis; INT Indianapolis 344° and Shelbyville 313° radials and INT Shelbyville 313° and Boiler 136° radials;" and substituting the word "Boiler;"

V-305 [Amended]

By removing the words "to Indianapolis." and substituting the words "Indianapolis; INT Indianapolis 038°T(037°M) and Kokomo, IN, 182°T(182°M) radials; to Kokomo."

Issued in Washington, DC, on August 25, 1986.

John Watterson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-19659 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 733

Extension of Public Comment Period on Topics Pertaining to Federal Oversight of State Regulatory Programs Under the Surface Mining Control and Reclamation Act

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Extension of public comment period; reopening of comment period on petition for rulemaking.

SUMMARY: On August 13 and 14, 1986, OSMRE sponsored a conference on the following topics: (1) OSMRE's use of ten-day notices and Federal notices of violations, and (2) criteria and procedures for substituting Federal enforcement and withdrawing approval of State regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA). In the July 29, 1986 **Federal Register** OSMRE invited all interested persons to attend the conference and/or submit written comments in advance of the conference or within two weeks of the close of the conference (51 FR 27059-60) on the two topics listed above. In this same notice OSMRE also reopened the comment period on a petition for rulemaking submitted by ten citizen organizations to allow further consideration of the issue raised by petitioners concerning substitution of Federal enforcement and withdrawal of approval of State programs. That aspect of the petition related to one of the conference topics listed above. OSMRE is extending the comment period on the conference topics and on the portion of the petition which related to substitution of Federal enforcement and withdrawal of approval of State programs until September 29, 1986. This extension will enable interested or affected persons to review the transcript of the conference and provide any additional comments or recommendations to OSMRE.

DATES: Persons wishing to submit comments should do so no later than September 29, 1986. Comments received after that date will not necessarily be considered by OSMRE in formulating any programmatic or regulatory revision relevent to the topics discussed at the conference.

ADDRESS: Written comments should be sent to Mr. Arthur W. Abbs or Mr. Richard G. Bryson, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 210, Washington, DC 20240; Telephone: (202) 343-5351.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs or Mr. Richard G. Bryson, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 210, Washington, DC 20240; Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On August 13 and 14, 1986, OSMRE sponsored a conference on aspects of OSMRE's oversight of State regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA). The purpose of the conference was to have an exchange of views on the following topics: (1) OSMRE's use of ten-day notices and Federal notices of violations and (2) critieria and procedures for sustitution of Federal enforcement and withdrawal of approval of a State regulatory program under SMCRA. All interested persons

were invited to attend the conference and provide comments on one or both of the conference topics and/or submit written comments in advance or within two weeks of the close of the conference (51 FR 27059, July 29, 1986). A transcript of the conference and all written comments submitted prior to the conference or since the close of the conference have been filed in the OSMRE administrative record and are available to the public. Any interested person may also obtain a copy of the transcript by contacting the person listed above under "For Further Information Contact." OSMRE is extending the comment period on the conference topics until September 29, 1986, to provide interested or affected persons an opportunity to review the transcript of the conference and submit any additional comments or recommendations to OSMRE. OSMRE will review all comments received during the conference as well as the written comments submitted both prior to and following the conference in considering any possible changes to its current oversight procedures or policies.

OSMRE will also consider the recommendations and comments which have been submitted in formulating its decisions on two petitions for rulemaking which are pending disposition. One of the petitions, which was submitted November 13, 1985, by ten citizen organizations requests, among other things, that OSMRE establish by regulation the circumstances under which the Director must initiate the process described in 30 CFR Part 733 for Federally enforcing or withdrawing approval of a State regulatory program under SMCRA. OSMRE published a notice of availability and request for comment on this petition in the January 3, 1986 **Federal Register** (51 FR 272), and later reopened the comment period on the petition from February 4, 1986 to March 5, 1986 (51 FR 4396, February 4, 1986). OSMRE reopened the comment period on July 29, 1986 (51 FR 27059) and by this notice is extending it until September 29, 1986, on those aspects of the petition related to substitution of Federal enforcement for a State program and withdrawal of approval of a State program. That aspect of the petition relates to one of the conference topics listed above. Conference recommendations and comments relating to that issue will be considered in analyzing this aspect of the petition.

The other petition submitted on May 30, 1986, by the Mining and Reclamation Council of America (MARC) *et al.*, requests that OSMRE (1) repeal existing regulations which authorize the issuance of Federal notices of violation in States with approved regulatory programs, and (2) establish a uniform standard of review for evaluation of State responses to ten-day notices. A notice of availability of the MARC petition appeared in the **Federal Register** on July 30, 1986 (51 FR 27197); the comment period closes September 29, 1986. Conference recommendations and comments will be considered in evaluating both aspects of this petition.

Dated: August 26, 1986.

Brent Walquist

Assistant Director, Program Operations.

[FR Doc. 86-19731 Filed 8-29-86; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3072-3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to exclude the solid wastes generated at two facilities from the list of hazardous wastes contained in 40 CFR 261.31 and § 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific basis" from the hazardous waste list. The effect of this action, if promulgated, would be to exclude certain wastes generated at particular facilities from listing as hazardous wastes under 40 CFR Part 261.

The Hazardous and Solid Waste Amendments of 1984 changed the criteria to be used in evaluating delisting petitions. Consequently, the Agency's evaluation of the two petitions for which we propose to grant an exclusion have been considered both for the factors for which the wastes were originally listed, as well as other factors and toxicants which might reasonably be expected to cause the wastes to be hazardous.

DATES: EPA will accept public comments on these proposed exclusions until October 2, 1986. Comments postmarked after the close of the comment period will be stamped "late."

Any person may request a hearing on these proposed exclusions by filing a request with Bruce R. Weddle, whose address appears below, by September 17, 1986. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSPD/OSW (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F-86-FPEP-FFFFF".

Requests for a hearing should be addressed to Bruce R. Weddle, Director, Permits and State Programs Division, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The RCRA regulatory docket for these proposed exclusions is located at U.S. Environmental Protection Agency, 401 M Street SW. (sub-basement), Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding holidays. Call Mia Zmud at (202) 475-9327 or Kate Blow at (202) 382-4675 if you would like to make an appointment. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $.20 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (202) 382-5096.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because

they typically and frequently exhibit any of the characteristics of hazardous waste identified in Subpart C of Part 261 (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To be excluded, petitioners must show that a waste generated at their facility does not meet any of the criteria under which the waste was listed. (See 40 CFR 260.22(a) and the background documents for the listed wastes.) In addition, the Hazardous and Solid Waste Amendments of 1984 (HSWA) require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that his waste does not exhibit any of the hazardous waste characteristics, as well as present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. (See 40 CFR 260.22(a); section 222 of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6921(f); and the background documents for the listed wastes.) Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of a hazardous waste, generators remain obligated to determine whether their waste remains non-hazardous based on the hazardous waste characteristics.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is: (1) That the waste not meet any of the criteria for which it was listed originally; and (2) that the waste is not hazardous after considering factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Where the waste is derived from one or more listed hazardous wastes, the demonstration may be made with respect to each constituent or the waste mixture as a whole. (See 40 CFR 260.22(b).) Generators of these excluded treatment storage, or disposal residues remain obligated to determine whether these residues exhibit any of the hazardous waste characteristics on a periodic basis.

Approach Used To Evaluate Delisting Petitions

The Agency first will evaluate the petition to determine whether the waste (for which the petition was submitted) is non-hazardous based on the criteria for which the waste was originally listed. If the Agency believes that the waste is still hazardous (based on the factors for which the waste was originally listed), it will propose to deny the petition. If, however, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the criteria for which the waste was listed, it then will evaluate the waste with respect to other factors or ciriteria, if there is reasonable basis to believe that such additional factors could cause the waste to be hazardous.

The Agency is using a hierarchical approach in evaluating petitions for the other factors or contaminants (*i.e.*, those listed in Appendix VIII of Part 261). This approach may, in some cases, eliminate the need for additional testing. The petitioner can choose to submit a raw materials list and process descriptions. The Agency will evaluate this information to determine whether any Appendix VIII hazardous constituents are used or formed in the manufacturing and treatment process and are likely to be present in the waste at significant levels. If so, the Agency then will request that the petitioner perform additional analytical testing. If the petitioner disagrees, he may present arguments on why the toxicants would not be present in the waste, or, if present, why they would pose no toxicological hazard. The reasoning may include descriptions of closed or segregated systems, or mass balance arguments relating volumes of raw materials used to the rate of waste generation. If the Agency finds that the arguments presented by the petitioner are not sufficient to eliminate the reasonable likelihood of the toxicant's presence in the waste at significant levels, the petition would be tentatively denied on the basis of insufficient information. The petitioner then may choose to submit the additional analytical data on representative samples of the waste during the public comment period.

Rather than submitting a raw materials list, petitioners may test their waste for any additional toxic constituents that may be present and submit this data to the Agency. In this case, the petitioner should submit an explanation of why any constituents from Appendix VIII of Part 261, for which no testing was done, would not be present in the waste or, if present, why they would not pose a toxicological hazard.

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic, as well as the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and bioaccumulate, their persistence in the environment once released from the waste, plausible types of management of the waste, and the quantities of waste generated. In this regard, the Agency has developed an analytical approach to the evaluation of wastes that are landfilled and land treated. See 50 FR 7882 (February 26, 1985), 50 FR 48886 (November 27, 1985), and 50 FR 48943 (November 27, 1985). The overall approach, which includes a ground water transport model, is used to predict reasonable worst-case contaminant levels in ground water in nearby receptor wells (*i.e.*, the model estimates the ability of an aquifer to dilute the toxicant from a specific volume of waste).[1] The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance point concentration determined by the model then is compared directly to a level of regulatory concern. If the value at the compliance point predicted by the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level, however, then the waste probably still

[1] The Agency recently proposed a similar approach, including a ground water transport model, as part of the land disposal restrictions rule (see 51 FR 1602, January 14, 1986). The Agency, however, has not yet completed its evaluation of the comments on this proposal. If a regulation is promulgated, using the ground water transport model, the Agency will consider revising the delisting analysis.

will be considered hazardous, and not excluded from Subtitle C control.

This approach evaluates the petitioned wastes by assuming reasonable worst-case land disposal scenarios. This approach has resulted in the development of a sliding regulatory scale which suggests that a large volume of waste exhibiting a particular extract level would be considered hazardous, while a smaller volume of the same waste could be considered non-hazardous.[2] The Agency believes this to be a reasonable outcome since a larger quantity of waste (and the toxicants in the waste) might not be diluted sufficiently to result in compliance point concentrations that are less than the levels of regulatory concern. The selected approach predicts that the larger the waste volume, the higher the levels of toxicants at the compliance point. For wastes that are typically landfilled, the mathematical relationship (with respect to ground water) yields at least a six-fold dilution of the toxicant concentration initially entering the aquifer (*i.e.*, any waste exhibiting extract levels equal to or less than six times a level of regulatory concern will generate a toxicant concentration at the compliance point equal to or less than that same regulatory level). Depending on the volume of waste, and additional five-fold dilution may be imparted, resulting in a total dilution of up to thirty-two times.

The Agency is using this approach as one factor in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment. In fact, the Agency has used this approach in evaluating each of the wastes proposed for exclusion in today's publication. As a result of this evaluation, the Agency is proposing to grant the petitions discussed in this notice.

It should be noted that EPA has not verified the submitted test data for all of the facilities discussed in today's notice before proposing to grant these exclusions. The sworn affidavits submitted with each petition bind the petitioners to present truthful and accurate results. In addition, the Agency has initiated a spot-check sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions before final exclusions will be granted.[3]

Finally, before the Hazardous and Solid Waste Amendments of 1984 were enacted, the Agency granted temporary exclusions without first requesting public comment. The Amendments, however, specifically require the Agency to provide notice and an opportunity for comment before granting an exclusion. The exclusions proposed today will therefore not become effective unless and until made final. A notice of final exclusion will not be published until all public comments (including those at requested hearings, if any) are addressed.

Petitioners

The proposed exclusions published today involve the following petitioners:

Florida Production Engineering Company, Daytona Beach, Florida
Martin Marietta Aerospace, Ocala, Florida

I. Florida Production Engineering Company

A. Petition for Exclusion

Florida Production Engineering Company (FPE), located in Daytona Beach, Florida, has petitioned the Agency for a one-time exclusion of sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) oncarbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed). FPE has petitioned to exclude their waste because it does not meet the criteria for which it was listed.[4]

The manufacturing processes that generated FPE's sludge were sulfuric acid anodizing of aluminum and electropolishing. The sludge from these operations was discharged to several on-site lagoons. The use of these lagoons was discontinued in 1978, when a new treatment system was installed. In March 1982, however, the sludge was removed from the lagoons, stabilized by pH adjustment through addition of caustic, and stored in four lined trenches. No other wastes have been placed in these lined trenches. It is the sludge in these trenches that is the subject of FPE's petition. FPE estimates the total volume of sludge in the trenches to be approximately 1,250 cubic yards.

In support of their petition, FPE submitted process descriptions, a raw materials list, and material safety data sheets for the manufacturing processes that were in operation when the sludge was generated. In addition, FPE submitted the results of total constituent analyses and EP leachate tests for the EP toxic metals and nickel; total constituent analyses for sulfide and cyanide; distilled water leach tests for cyanide; and tests for total oil and grease content. Furthermore, FPE submitted ground water monitoring data for the vicinity of the lagoons and trenches. Much of this information was provided, as noted above, to demonstrate that no hazardous constituents, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.

Samples use to characterize the sludge were collected from each of the four trenches.[5] For Trench #1, six full-depth cores were collected from each quadrant of the trench and composited to produce four samples, representing one quadrant each. For Trenches #2–4, five full-depth cores were collected from each quadrant of each trench and composited to produce three samples, each of which represented one trench.

Also, as part of the Agency's spot-check verification program, FPE's waste

[2] Other factors may result in the denial of a petition, such as actual ground water monitoring data or spot check verification data.

[3] As part of its spot-check verification program, surprise sampling visits were made to the Florida Production Engineering Co. and Martin Marietta Aerospace. The results of the Agency's testing is discussed in today's notice. In addition, the complete sampling and analysis reports on these two facilities are available in the public docket to this rulemaking.

[4] FPE originally submitted their petition on December 7, 1983. On November 8, 1984, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider other factors (including additional constituents) other than those for which the waste was listed if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) In anticipation of either enactment of this legislation or similar regulatory changes, the Agency requested additional information, addressing these factors, from FPE on March 27, 1984.

[5] FPE originally submitted analytical results for four samples (three collected while the sludge was in the lagoons prior to stabilization and only one collected after the sludge had been relocated to the trenches). In response to Agency concerns that an insufficient number of samples had been collected to characterize the stabilized sludge in the trenches, FPE re-sampled the sludge as described in this notice. Due to the insufficient number of the first set of samples (*i.e.*, they were not representative), only the results for this second set of samples were used in the Agency's evaluation. (The Agency notes, however, that the results for both sets of samples are similar.) produce four samples,

was analyzed for various toxicants (see RCRA docket for a description of the sampling methodology and analyses performed). These data have also been used as part of the Agency's evaluation of FPE's petition. The maximum concentrations from FPE's and EPA's analyses are presented in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS

	Total constituent analyses (mg/kg, wet)		Leachate analyses (mg/1)	
	FPE results	EPA results	FPE results	EPA results
As	<2.16	5.4	<0.01	<0.02
Ba	10.64	13.4	0.19	<0.5
Cd	<0.66	<0.3	<0.015	<0.025
Cr	205	272	<0.08	<0.20
Pb	42.5	113	<0.20	<0.05
Hg	0.93	2.7	<0.0004	<0.001
Se	<0.72	<3.5	<0.02	<0.02
Ag	4.32	<0.3	<0.022	<0.02
Ni	234	154	2.30	1.15
CN	<0.2	[1] X	<0.005	<0.25
Sulfide	<2.0	[1] X	[2] NA	[2] NA
Oil and grease	1,400	2,400	[2] NA	[2] NA

[1] X=test not performed.
[2] NA=test not applicable.

FPE also submitted a list of raw materials (and the material safety data sheets) that were used in the manufacturing processes that generated the waste. This list indicated that no additional hazardous constituents are expected to be present, or likely to be formed, in the waste. Nevertheless, the Agency, as part of its spot-check program, collected samples and analyzed them for the organic priority pollutants. The detected compounds and their concentrations are presented in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS

Compounds	Total constituent analyses (mg/kg)
Bis (2-ethylhexyl) phthalate	19.0
Di-n-octyl phthalate	6.3

FPE also provided the results from ground-water monitoring data for the site. This included data from the vicinity of both the old lagoons and the trenches where the sludge is now stored. (Complete ground-water monitoring data for the site is available in the public docket for this notice.)

B. Agency Analysis and Action

FPE has demonstrated that the sludge contained in the four lined trenches is non-hazardous. The Agency believes that the samples collected by FPE are non-biased and are representative of the sludge. The collection of multiple full-depth cores from each quadrant of the trenches accounts for any horizontal or vertical stratification that may have occurred as the trenches were being filled. Also, the mixing of the sludge with caustic before being relocated from the lagoons to the trenches would be expected to reduce any inhomogeneity in the sludge's composition. In addition, the analytical results submitted by FPE are similar to those from the Agency's spot-check program. The Agency, therefore, believes that the samples collected adequately characterize FPE's sludge.[6]

The Agency has evaluated the mobility of toxicants from FPE's sludge by using the vertical and horizontal spread (VHS) mode.[7] This evaluation, using the maximum concentrations reported by FPE and the estimated sludge volume of 1,250 cubic yards, resulted in the predicted compliance point concentrations that are presented in Table 3. Table 3 also presents, for each toxicant, the regulatory standard to which the compliance-point concentration is compared.

TABLE 3.—VHS MODEL: PREDICTED COMPLIANCE-POINT CONCENTRATIONS

Constituents	Compliance-point concentrations (mg/1)	Regulatory standards (mg/1)
As	<0.001	0.05
Ba	0.014	1.0
Cd	<0.001	0.01
Cr	<0.006	0.05
Pb	<0.015	0.05
Hg	<0.0001	0.002
Se	<0.002	0.01
Ag	<0.002	0.05
Ni	0.177	0.35
CN	<0.001	0.2

[6] The sampling plan used by FPE was recommended by the Agency in March 1984. The sampling plan allowed that, since the sludge was expected to be relatively homogenous as a result of both mixing the sludge with caustic and additional mixing that occurred when the sludge was relocated, only one sample (a composite of 20 full-depth cores) was required from Trenches #2–4. That is, since it was expected that the sludge in all four trenches would be essentially identical, four separate samples were required from only Trench #1. Subsequently, the Agency has issued general guidance on sampling plans for delisting activities that would have required separate analyses of more than one composite sample from Trenches #2–4 (*i.e.*, Petitions to Delist Hazardous Wastes: A Guidance Manual, EPA/530–SW–85–003, April 1985). The Agency believes, however, that, since FPE's sampling plan was approved and since the leachate concentrations were low and essentially uniform in all samples, additional sampling to reflect the later, more rigorous requirements is unwarraned.

[7] See 50 FR 7882, Appendix I, February 26, 1985 for a detailed explanation of the development of the VHS model for use in the delisting program. See also the final version of the VHS model at 50 FR 48896, Appendix (November 27, 1985).

The compliance-point concentrations of these toxicants are all less than their regulatory standards. (For the EP toxic metals, these standards are equal to the National Interim Primary Drinking Water Standards. For nickel and cyanide, the standards are equal to the Agency's interim delisting standard [8] and the U.S. Public Health Service's suggested drinking water standards,[9] respectively.) The presence of these toxicants in FPE's sludge is, therefore, not of regulatory concern.

Since the sludge does not contain sulfide or cyanide (not detected at 2.0 mg/kg and 0.2 mg/kg, respectively), the waste could not be considered hazardous due to reactivity. (The reactivity characteristic refers to the capability of a sulfide- or cyanide-bearing waste to generate hazardous levels of toxic gases, vapors, or fumes.) Also, the Agency's review of the processes and raw materials used at FPE during the period when the sludge was generated indicates that no additional Appendix VIII hazardous constituents (other than those for which the sludge was analyzed) are expected to be present in the sludge at levels of regulatory concern. This was confirmed by the results from the Agency's spot-check sampling program. Using the Agency's procedure for estimating the leachate concentration of organics,[10] along with the VHS model, the detected organic priority pollutants would result in the compliance-point concentrations that are presented in Table 4. Table 4 also presents the regulatory standards to which these compliance-point concentrations are compared.

TABLE 4.—VHS Model: Predicted Compliance-Point Concentrations (ppm)

Compound	Best fit	95 percent confidence	Regulatory standard
Bis(2-ethylhexyl)phthalate	8.5×10^{4}	1.2×10^{5}	7.0×10^{-1}
Di-n-octyl phthalate	8.5×10^{4}	1.1×10^{5}	6.0×10^{-1}

Since the compliance-point concentrations are both less than the regulatory standards, the presence of these compounds at the reported levels is not of regulatory concern.

Based upon the consitutents and factors evaluated, the Agency believes

[8] The Agency previously used 632 ppb as the regulatory standard for nickel. Pending the completion of current EPA studies on the health effects of nickel, the Agency is using 350 ppb for the purpose of evaluating delisting petitions. The basis for this standard is explained at 50 FR 20239–48, May 15, 1985.

[9] See *Drinking Water Standards*, U.S. Public Health Service, Publication 956 (1962).

[10] For a discussion of the Agency's proposed organic leachate model see 50 FR 48953, Appendix, November 27, 1985 and 51 FR 27061, July 29, 1986.

that FPE has demonstrated their sludge to be nonhazardous and that, as such, it should be excluded from hazardous waste control. This conclusion is supported by the ground water monitoring data provided by FPE. Several years of monitoring results indicate that the waste in the trenches has not had an impact on ground water. The Agency notes that the monitoring system at FPE has been evaluated by EPA's Region IV office, and is considered adequate under section 265, Subpart F of RCRA. The Agency proposes, therefore, to grant a one-time exclusion to Florida Production Engineering Company, located in Daytona Beach, Florida, for their wastewater treatment sludges from electroplating operations, currently contained in the four trenches.

II. Martin Marietta Aerospace

A. Petition for exclusion

Martin Marietta Aerospace (MMA), located in Ocala, Florida, is involved in the manufacture of non-conductive printed circuit boards. MMA has petitioned the Agency to exclude its wastewater treatment sludges, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) clean/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

MMA has petitioned to exclude its waste because it does not meet the criteria for which it was listed.[11] The listed constitutents of concern in EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed). MMA contends that its wastewater treatment process generates a non-hazardous sludge because the constituents of concern, although present in the waste, are in essentially an immobile form. They further believe that this waste is not hazardous for any other reason.

In support of their petition, MMA has submitted a detailed description of its non-conductive circuit board manufacturing and wastewater treatment processes, including process schematics; total constituent analyses and EP toxicity test results of the waste filter cake for cadmium, total chromium, and nickel; and total constitutent analyses of the waste filter cake for cyanide. MMA has also submitted total constitutent analyses and EP leachate analyses for arsenic, barium, lead, mercury, selenium, and silver; and total oil and grease (TOG) analyses on representatives waste samples. The MMA petition also included a list of all raw materials used in the process, separated by process. Since the raw materials list indicated that 1, 1, 1-trichloroethane, methylene chloride, and formaldehyde were used in the manufacturing process, MMA submitted total constitutent analyses for these three organics as well as 27 other volatile organic compounds.[12] The Agency requested this information, as noted above, to determine whether hazardous constituents other than those for which the waste was originally listed are present in the waste.

Additionally, the Agency visited MMA's facility on June 26, 1984, as part of the Agency's spot-check verfication program in order to validate the analytical information submitted by MMA. A total of seven samples were collected by the Agency, from the filter press and drum storage area and analyzed for total oil and grease, total constituent analysis and EP toxicity analysis for the EP toxic metals and nickel; total constituent analysis for cyanide; and total constituents analysis for the priority pollutants.

The non-conductive printed circuit board production process includes copper, solder, and electroless copper plating. Prior to December 1985 the circuit boards were also nickel-gold tab plated.

Prior to June 1985, all off-specification plating baths, concentrated liquors, and spent chelated rinse waters were treated on-site in the chelated wastewater treatment system; however, since June 1985, these concentrated wastes have been pumped into 55 gallon drums for off-site disposal at a permitted RCRA facility. All acid/alkali rinse waters, filter-backwash waters, and supernatant from the filter press are sent to the solids separation treatment system. The wastewater is neutralized with lime, calcium chloride, and sodium hydroxide. Polymer flocculant aids are added and the mixutre is then sent to a lamella clarifier. The thickened sludge is held in a sludge storage tank until dewatered by a plate and frame filter press. The supernatant from the lamella clarifier is pumped to a clear water holding tank, polished by a Culligan filtration system, and discharged to a privately owned treatment works. The waste filter cake falls from the press into small bins which are emptied by hand, into 55 gallon drums.

MMA collected four composite samples of waste filter cake generated between January and April, May and August, September and December 1981, and January and July 1982. The waste filter cake was stored in drums separated by generation dates. Fifty percent of the drums from each generation period were sampled by taking a complete vertical core sample with a two inch polyvinyl chloride (PVC) tube. The core samples were then composited by generation period.

MMA collected an additional four composite samples of the waste filter cake generated between August 26, 1985 and September 9, 1985, September 10, 1985 and September 14, 1985, September 25, 1985 and September 27, 1985, and September 29, 1985 and October 2, 1985. A complete vertical core sample was taken from fifty percent of the drums and composited by generation period. A final round of sampling, by MMA, included 7 composite samples of material collected directly from the filter press on January 6, and January 17, 1986, and 24 vertical core samples of drummed material generated between November 13, 1985 and January 9, 1986.[13]

On June 16, 1984, as part of the Agency's spot-check sampling program, an additional seven samples (two filter press and five drums) covering the generation period of April 12, 1984 through June 26, 1985, were collected and analyzed by the Agency. The filter press was sampled by taking one grab sample from the center of the filter press

[11] MMA originally submitted their petition on September 30, 1982. On November 8, 1984, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional consitutents) other than those for which the waste was originally listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous (see Section 222 of the Amendments, 42 U.S.C. 6921(f).) In anticipation of these changes, and as a result of these new requirements, the Agency requested additional information from MMA on August 23, 1983. MMA submitted raw materials data and analytical testing for all materials which could possible enter the waste treatment system in June 1984, October 1985, and March 1986.

[12] Analyses for 27 other volatile organic compounds, not used by MMA, were also provided as part of a standardized laboratory report. None of the 27 compounds were detected using a detection limit of <0.25 mg/kg (nor were they expected to be detected).

[13] Four samples were collected on December 13, 1984 and analyzed for total oil and grease. It is not known how these four samples were taken. These samples were also analyzed, however, these values were not included in the Agency's analysis, since the sampling procedures were not well documented. The Agency notes that the analytical data points reported for this set of samples all fell within the range of the data used for this analysis.

bin and the drums were sampled by taking a full depth core using a two-inch PVC tube.

MMA contends that taken together, the samples are representative of any variation of the listed and non-listed constituent concentrations in its wastestream, since the range of sampling spans five years of production, and is therefore, representative of any short-term variations and significant long-term variations in waste composition. In addition, MMA contends that the manufacturing and treatment processes are uniform and consistent, and that the use of raw materials does not vary over time. Consequently, they believe that the samples collected and analyzed fully characterize their waste.

Total constituent analyses and EP leachate analyses for the listed constituents of concern and the non-listed EP toxic metals revealed the maximum concentrations reported by MMA in Table 1 and by the Agency in Table 2. The total oil and grease content of the waste filter cake ranged between 0.05 and 0.8 percent.

TABLE 1.—MAXIMUM REPORTED CONCENTRATIONS (PPM)—FILTER CAKE SAMPLES TAKE BY MMA

Constituents	Total constituent concentrations	EP leachate concentrations
As	<9.6	<0.05
Ba	114	2.29
Cd	4.6	0.04
Cr (total)[1]	14.0	<0.04
Pb	5,015	0.18
Hg	0.34	<0.0002
Se	<1.0	<0.01
Ag	<1.5	<0.03
Ni	773	0.15
CN (total)	20.7	[2]1.03

[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the concentration of total chromium is low enough to make the determination of hexavalent chormium unnecessary.
[2] Calculated by assuming a theoretical leaching of 100 percent and a twenty fold dilution (100 grams of solid diluted with 2.0 liters of water) of the maximum total constituent concentration of cyanide.

TABLE 2.—MAXIMUM REPORTED CONCENTRATIONS (PPM)—FILTER CAKE TAKEN BY USEPA

Constituents	Total constituent concentrations	EP leachate concentrations
As	<5.0	<0.02
Ba	130	<0.50
Cd	1.2	<0.025
Cr (total)[1]	49	<0.20
Pb	7,500	[2]6.33
Hg	0.56	<0.001
Se	<5.0	<0.02
Ag	<0.4	<0.020
Ni	1,000	3.9
CN (total)	3.1	[3]0.15

[1] Hexavalent chromium is listed at the constituent of concern for this waste; however, the concentration of total chromium is low enough to make the determination of hexavalent chromium unnecessary.
[2] Forty-four samples were tested using the EP toxicity test and were subsequently analyzed for lead. The Agency has concluded that the maximum value 6.33 ppm (and a duplicate analysis of 4.75 ppm) is an outlier as determined by the Dixon's Test (also called the Extreme Value Test), and appropriate tests for normality. This test and the supporting calculations are available in the public docket to this notice.
[3] Calculated by assuming a theoretical leaching of 100 percent and a twenty fold dilution (100 grams of solids diluted with 2.0 liters of water) of the maximum total constituent concentration of cyanide.

The list of raw materials used in the manufacturing process indicated that three Appendix VIII hazardous constituents: methylene chloride, 1,1,1-trichloroethane, and formaldehyde are used in the manufacturing process. MMA completed a mass balance equation claiming that the sludge contained a maximum of 0.5 mg/kg of formaldehyde. No other Appendix VIII hazardous constituents, other than those tested for, are used in the process, and thus are not likely to be present in the waste at levels of regulatory concern.

As part of the Agency's spot-check sampling visit, seven samples were analyzed for volatile organic compounds and the priority pollutants. No constituents were detected using a detection limit of 1 mg/kg, except for the three base/neutral compounds presented in Table 3.

MMA provided nine total constituent analyses (collected by MMA in the final round of sampling—see above) for methylene chloride and 1,1,1-trichloroethane (See footnote 12). Both methylene chloride and 1,1,1-trichloroethane were not detected in the waste using a detection limit of <0.25 mg/kg, and <0.05 mg/kg, respectively.

TABLE 3.—MAXIMUM TOTAL CONSTITUENT CONCENTRATIONS

Constituents	Maximum concentrations (mg/kg)
Bis(2-ethylhexyl)phthalate	63.0
Diethyl phthalate	31.0
Di-n-octyl phthalate	52.0

MMA also provided test data indicating that the waste filter cake was not ignitable, corrosive, or reactive. MMA generates a maximum of 14 tons per year of waste filter cake from this process.

B. Agency Analysis and Action

MMA has sufficiently demonstrated that the filter cake generated at their Ocala, Florida facility is non-hazardous. Based on the data presented in MMA's petition and data obtained through the Agency's spot-check sampling, the Agency believes that the petitioner has adequately characterized the waste filter cake and that the samples analyzed reflect the day to day variation in production.[14] The Agency believes MMA's claim that the manufacturing and treatment processes are uniform and consistent is well substantiated since this facility does not perform as a job shop or have seasonal product variations. Thus, we consider the sampling procedures used by MMA to be adequate, and as such, showed no significant day to day variation in constituent concentrations. The Agency, therefore, concludes that the analytical information provided by MMA is representative of the waste filter cake.

The Agency has evaluated the mobility of the constituents from MMA's waste filter cake using the vertical and horizontal spread (VHS) model.[15] The Agency's evaluation of MMA's 14 tons [16] of filter cake using the maximum leachate values for the EP toxic metals, nickel, and cyanide in the VHS model generated the compliance point concentrations in Table 4.

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Constitutes	Calculated compliance point concentrations [1]	Regulatory standards
As	<0.006	0.05
Ba	0.07	1.0
Cd	<0.001	0.01
Cr (total)	<0.001	0.05
Pb	[2]0.006	0.05
Hg	0.0001	0.0002
Se	<0.0006	0.01
Ag	<0.001	0.05
Ni	0.2	0.35
CN (total)	[3]0.03	0.2

[1] Where concentrations were below the detection limits, the detection limit was used in the VHS model calculations.
[2] Calculated using a maximum extract concentration of 0.2 ppm, after elimination of an outlier using Dixon's Test.
[3] Calculated from the maximum theoretical EP leachate value of 1.03 mg/1.

The filter press cake exhibited cadmium, chromium, arsenic, barium, lead, mercury, selenium, and silver levels (at the compliance point) below the National Interim Primary Drinking Water Standards, cyanide levels below the U.S. Public Health Service's suggeted drinking water standard,[17] and

[14] The Agency was initially concerned about the lead extract level of one sample collected during its spot-check visit. MMA collected and analyzed additional samples in response to Agency concerns. A statistical evaluation of all forty-four analyses determined this value to be an outlier.
[15] See footnote 7.
[16] Although MMA generates a maximum of 14 tons of waste material, the minimum default tonnage used by the VHS model is 475 tons. See 50 FR 7882, and 50 FR 48816 for discussion of waste generation rates when used in the VHS model.
[17] See footnote 9.

nickle levels below the Agency's interim regulatory standard for nickel.[18]

In addition, the low total cyanide levels in the waste filter cake could not result generate free cyanide at levels expected to create a health hazard through inhalation. In particular, the total cyanide, and thus the free cyanide; are not present in sufficient concentrations to volatilize at concentrations exceeding the workroom air threshold limit of 10 ppm set by the American Conference of Government Industrial Hygienists.[19]

The organic compounds used in the manufacturing process and those listed in Table 2 were evaluated by first estimating their leachate concentrations (using the proposed General Linear (Organic Leachate) Model and then predicting their compliance point concentrations with the VHS model.[20] This procedure resulted in the compliance point concentrations presented in Table 5. Table 5 also presents, for each organic compound, the regulatory standard to which the predicted concentration is compared.

As indicated in Table 5, the maximum predicted compliance point concentrations of these organic compounds, except for formaldehyde are each less than the compound's regulatory standard. With respect to formaldehyde, a regulatory standard for ingestion has not yet been developed. The Agency still believes, however, that the level of this toxicant in the waste is not of regulatory concern. (See footnote 4 to Table 5.) The presence of these compounds at the reported levels, therefore, are not of regulatory concern. Also, the Agency's evaluation of the processes and raw materials, used at MMA's Ocala, Florida facility, indicates that no other hazardous organic compounds would be expected to be present in the sludge.[21]

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (MG/L)

Compounds	Baseline	95 percent confidence	Regulatory standard [1]
Bis(2-ethylhexyl)-phthalate	0.00076	0.00095	0.70
Diethyl phathalate	.008	.01	350
Di-n-octyl phathalate	[2].001	.0015	.60
Methylene chloride	.001	.0014	.056
1,1,1-Trichloroethane	.00013	.00019	1.2
Formaldehyde	[3].005	.0007	[4].11

[1] An explanation of the derivation of these regulatory standards is available in the public docket.

[2] A solubility of 5.75E-5 mg/l was calculated using the following equation: Log S = −1.37 * Log K_{ow} + 7.21 (umols/liter). See *Handbook of Chemical Properties Estimation Methods, Environmental Behavior or Organic Compounds*, Lyman, 1982.

[3] The GLM model calculated that 4.28 mg/l of formaldehyde would be available for leaching, when the maximum total concentration of formaldehyde was 0.5 mg/l. Due to formaldehyde's high solubility, the model's predicted leachate concentration, was, in this case, too high; therefore, the maximum total concentration was used.

[4] Although no level for formaldehyde is currently available the Agency believes that the levels of formaldehyde which could be found in MMA's waste are not of regulatory concern. This conclusion was based upon evidence accumulated from a literature search of information currently available on the toxicity of formaldehyde. Individual citations in this survey are referenced in the public docket. The National Academy of Sciences has set a health advisory for formaldehyde in drinking water of 0.11 mg/l/day for adults. There is no evidence available in the literature which indicates that formaldehyde is carcinogenic when ingested.

The Agency concludes that the waste filter cake is non-hazardous (for all reasons), and as such, should be excluded from the hazardous waste management system. The Agency, therefore, proposes to grant an exclusion to Martin Marietta Aerospace's facility located in Ocala, Florida, for its electroplating waste-water treatment sludge, as described in its petition. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process).[22] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.)

III. Effective Date

this rule, if promulgated, will become effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here since this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense which would be imposed on the petitioners by an effective date six months after promulgation and the fact that such a deadline is not necessary to achieve the purpose of section 3010, we believe that these rules should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's list of hazardous wstes, thereby enabling the facility to treat its waste as non-hazardous.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effect will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001, RCRA, 42 U.S.C. 6921.

Dated: August 22, 1986.

Marcia Williams,

Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

[18] See footnote 8.

[19] See American Conference of Governmental Hygienists: *Documentation of the Threshold Limit Values for Substances in Workroom Air*, third Edition, 1971, Cincinnati, Ohio.

[20] See footnote 7.

[21] The Agency notes that the additional priority pollutants tested by MMA are not expected to be present in their waste, but were presented as non-detected at 0.25 ppm as a part of a standard priority pollutant scan. Since extraction and analytical procedures were performed as required by Test Methods for Evaluating Solid Waste—SW-846 and the review of the raw materials used at MMC shows that these constituents are not used at the facility, these additional priority pollutants are assumed by the Agency not to be present in the waste.

[22] The curent exclusion applies only to the processes covered by the original demonstrations. A facility may file a new petition if it alters its process. The facility must treat its waste as hazardous, however, until a new exclusion is granted.

Authority. Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921, and 6922].

2. In Appendix IX, Table 1, add the following wastestreams in alphabetical order:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Florida Production Engineering Company.	Daytona Beach, Florida.	This is a one-time exclusion. Wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations and contained in four on-site trenches on [date of final rule's publication].
•	•	•
Martin Marietta Aerospace.	Ocala, Florida.....	Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations after [date of final rule's publication].

[FR Doc. 86-19710 Filed 8-29-86; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 76

[Gen. Docket No. 85-301; FCC 86-363]

Subscriber Terminal Devices Connected to Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend Parts 15 and 76 of its rules to establish uniform regulations for subscriber terminal devices connected to cable systems. The proposed rules require that all such devices, such as converters and decoders, external to the TV receiver, comply with requirements of Part 15, Subpart H, for TV interface devices, with some exceptions. All such devices are proposed to be subject to vertification.

The Commission has taken this action in an effort to eliminate the disparity in the current rules between such devices that are cable operator owned and those that are subscriber owned. Under the current rules, devices owned or supplied by a cable operator are subject to Part 76, while subscriber owned devices are subject to the different Part 15 standards.

This action will provide uniform emission and other technical standards for all cable terminal devices.

DATES: Comments must be submitted on or before October 14, 1986, and reply comments on or before October 29, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sharon A. Briley, Policy and Rules Division, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's further notice of proposed rule making, MM Docket 85-301, adopted August 7, 1986, and released August 20, 1986.

The full text of commission decisions are available for inspection and copying during normal business hours in the FCC dockets branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Further Notice of Proposed Rule Making:

1. On October 16, 1985, the FCC adopted a *Notice of Proposed Rule Making (Notice)*, Gen. Docket No. 85-301, 50 FR 42729 (1985), that proposed to require all subscriber terminal devices (*e.g.* converters and decoders) connected to cable television systems to comply with the emission limits and other technical requirements of Part 15, Subparts C, H, or J, depending on the device's configuration. The *Notice* proposed to end the disparity in the current rules between cable operator owned or supplied devices, which currently are subject to Part 76 of the rules, and subscriber owned devices, which currently are subject to the different standards of Part 15. This proposal was based on the observation that the terminal devices owned by both cable system operators and cable subscribers serve essentially the same functions and may be identical. The Commission, therefore, indicated that it did not believe such devices should be subject to disparate regulatory treatment.

2. The commenting parties, while supporting the objective of uniform standards, opposed the Commission's proposal for resolving this matter on the basis that it would replace one anomaly with another. They indicated that the proposed rules would subject terminal devices to varying and, in some cases, unnecessary, subparts of Part 15. For example, under the proposal, baseband converters would be regulated under Subpart H for TV interface devices and RF converters would be regulated as computing devices under Subpart J. In addition, some parties contended that Part 15 emission limits would be insufficient for cable terminal devices. However, none of the parties supplied data is support of this contention.

3. In this Further Notice of Proposed Rule Making, the FCC requests comment on a substantially revised approach for regulating cable terminal equipment and seeks additional information concerning the appropriate radiation limits to be specified for this equipment. The FCC proposes to regulate all cable terminal devices that are external to the TV receiver under the standards for TV interface devices in Part 15, Subpart H of the rules. However, cable terminal devices would be exempt from the current requirements of Subpart H for certification and instead would be required to comply with the verification procedures of Part 2, Subpart J, which is essentially a self-testing requirement and does not impose any filing burdens on manufacturers. This revised approach is intended to achieve uniformity in the treatment of cable system terminal devices. Interested parties are invited to submit specific data on actual and predicted interference to other electronic equipment from terminal devices and on cable system operation of terminal devices constructed to varying emissions standards. The FCC also proposes to require manufacturers or importers of terminal devices to provide information to the user concerning the interference potential of the devices, special accessories that may be needed, and the possibility that interference to cable service caused by the device may result in its disconnection by the cable operator. Finally, the FCC proposes to assign responsibility for interference generally to the party operating the device, except that a cable operator is responsible for the suppression of interference introduced into the cable system.

4. This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities because the

new regulations that would apply to such entities are not burdensome. These regulations include limits on output signal level and line conducted voltage from cable terminal devices and provision of certain information to users of such devices. The proposed rule changes are intended to assist all manufacturers, cable operators, cable subscribers, and regulatory agencies by establishing uniform standards for all terminal devices and to assign responsibility in cases of interference resulting from subscriber supplied devices. Any manufacturer which produces equipment directly for consumer sale will now be relieved of the certification requirement and will need to comply only with verification procedures.

6. The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burden upon the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

7. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before October 14, 1986, and reply comments on or before October 29, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

8. This Further Notice of Proposed Rule Making is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

List of Subjects

47 CFR Part 15

Radio frequency devices.

47 CFR Part 76

Cable television service.

Part 15—[Amended]

Part 15 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

9. The authority citation for Part 15 continues to read as follows:

Authority: Sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301, unless otherwise noted.

10. Section 15.4 is proposed to be amended by revising paragraph (u) to read as follows:

§ 15.4 General definitions.

* * * * *

(u) *TV interface device.* (1) A restricted radiation device that:

(i) Produces a radio frequency carrier modulated by a video signal derived from an external or internal signal source, and which feeds the modulated radio frequency energy by conduction to the antenna terminals of a conventional television receiver; or

(ii) Interconnects a cable television system to a television receiver or other subscriber premise equipment.

(2) A TV interface device may be a stand alone RF modulator, or a composite device consisting of an RF modulator, video source and other components. If such device is located within a television receiver, it shall be subject to the same requirements as a television receiver under Part 15, Subpart C. Devices defined under paragraph (u)(1)(ii) of this section, such as converters and decoders that are external to a television receiver, are subject to the provisions of Part 15, Subpart H.

* * * * *

11. Section 15.602 is proposed to be amended by adding a new paragraph (c) to read as follows:

§ 15.602 Conditions of operation.

* * * * *

(c) A TV interface device as defined under § 15.4(u)(1)(ii) shall not be required to comply with the provisions of §§ 15.616 and 15.618.

12. Part 15 is proposed to be amended by adding a new § 15.619 to read as follows:

§ 15.619 Verification of cable terminal devices

Devices defined under § 15.4(u)(1)(ii) shall be subject to verification, in accordance with Subpart J of Part 2, to show compliance with Subpart H of this part.

13. Part 15 is proposed to be amended by adding a new § 15.623 to read as follows:

§ 15.623 Cable terminal devices: information to user.

(a) Information shall be provided to the user of a cable terminal device, as defined in § 15.4(u)(1)(ii), about the interference potential of the device and simple measures that a user can take to correct interference. (See, *e.g.*, § 15.838). Such information shall be included in a conspicuous place in the instruction manual.

(b) If the cable terminal device requires special accessories, such as shielded cables, in order to comply with FCC emission limits and other technical standards, the manufacturer or supplier of the device shall provide information to the user as to the length of the cables, type of shielding, or other appropriate instructions.

(c) The following information, in the same or similar language, shall be provided to the user of a cable terminal device: If this device causes interference to or disrupts cable service, the cable operator may disconnect service to the user until such interference or disruption is corrected.

PART 76—[AMENDED]

Part 76 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

14. The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 154, and 303.

15. Section 76.5(x) is proposed to be revised to read as follows:

§ 76.5 Definitions.

* * * * *

(x) *Subscriber terminal.* The cable television system terminal to which a subscriber's equipment is connected. Separate terminals may be provided for delivery of signals of various classes. Terminal devices interconnected to a cable system shall comply with Subpart H of Part 15.

* * * * *

16. Section 76.605 is proposed to be amended by adding a note to the end of the section to read as follows:

§ 76.605 Technical standards.

* * * * *

Note.—The requirements of this section shall not apply to devices subject to the provisions of §§ 15.601 through 15.626

17. Section 76.617 is proposed to be revised to read as follows:

§ 76.617 Responsibility for interference.

Interference generated by a radio frequency (RF) device subject to Part 15 of the rules shall be the responsibility of the operator of the device in accordance with the provisions of Part 15 of this chapter: *Provided,* that the operator of a cable system to which the device is connected shall be responsible for the suppression of interference that is caused by RF energy that is introduced into the system by the device, regardless of its ownership.

William J. Tricarico,

Secretary.

[FR Doc. 86-19468 Filed 8-29-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 67

[CC Docket No. 83-1376; RM-4436]

Integration of Rates and Services for the Provision of Communications

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Order Extending Time for Comments.

SUMMARY: The *Order* extends the time in which parties to CC Docket 83-1376 have to file market structure proposals and comments based on the data on the Alaska telecommunication market filed on July 15, 1986. The action was taken because of the voluminous quantity of data filed.

DATES: Proposals for structuring the Alaska market and comments on the issues before the Federal-State Joint Board may be filed on or before December 2, 1986. Oppositions or further comments in light of the market structure proposals and initial comments may be filed on or before January 20, 1987. Reply comments may be filed on or before February 19, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Common Carrier Bureau, Policy and Program Planning Division, 202-632-9342.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the Matter of Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands; CC Docket No. 83-1376, RM 4436.

Adopted: August 18, 1986.

Released: August 20, 1986.

By the Deputy Chief for Policy, Common Carrier Bureau.

1. On September 27, 1985, the Federal Communications Commission (FCC) adopted a *Notice of Proposed Rulemaking and Order Establishing a Joint Board* in the above-captioned proceeding,[1] in which it convened this Federal-State Joint Board (Joint Board) pursuant to section 410(c) of the Communications Act of 1934, as amended.[2] The Joint Board was asked to prepare recommendations concerning: (1) What, if any, market structure changes are necessary to harmonize the Commission's rate integration and pro-competitive policies for the Alaska telecommunication market; and (2) what separations or other rule changes, if any, would be necessary to implement any market structure changes. The Joint Board was also directed to consider the high cost of service in Alaska in reaching its recommended decision, and was asked to study whether there is a need for subsidization of telecommunication service in Alaska, and, if so, to explore alternative sources for such support.

2. On May 9, 1986, the Joint Board issued an *Order* inviting interested persons to submit information and data concerning the provision of telecommunication services within the state of Alaska and between Alaska and the contiguous states.[3] The Joint Board requested data that identify: (1) The costs associated with Alaska's interstate and intrastate telecommunication services in order to determine the extent to which these services are characterized by high costs; (2) the location of those costs within the network hierarchy to permit the evaluation of cost allocation, market structure, or separations alternatives; and (3) the cost of the various interstate and intrastate service offerings of the Alaska carriers to allow evaluation of the market structure proposals. The Joint Board requested data from Alaska exchange carriers, the state of Alaska, Alascom, Inc. (Alascom), General Communication Incorporated (GCI), and the American Telephone and Telegraph Company (AT&T).

3. On July 15, 1986, each of the above-named parties filed information and data on the Alaska telecommunication market. The state of Alaska and GCI each filed one volume of material containing substantial amounts of information and data. Alascom filed five volumes and the Alaska exchange carriers filed seven volumes of data. AT&T filed 57 pages plus substantial appended material.

4. As described above, a substantial amount of information and data on the Alaska telecommunication market have been submitted by the parties. The process of analyzing these raw data, developing market structure proposals, and then testing these proposals against the data is likely to require considerable time and effort. A deliberate and thorough analysis of the Alaska market by all parties will enhance the Joint Board's ability to resolve this matter in an equitable manner and in the most expeditious period of time. It appears that the October 31, 1986, date for presenting market structure proposals and rulemaking comments may unnecessarily constrain the parties ability to conduct the required analysis. Accordingly, we find that the public interest will be served by extending the dates on which future pleadings are due in this docket, as set forth in the following paragraph.

5. Interested persons may file proposals for structuring the Alaska market and comments on the issues before the Federal-State Joint Board on or before December 2, 1986. Oppositions or further comments in light of the market structure proposals and initial comments may be filed on or before January 20, 1987. Reply comments may be filed on or before February 19, 1987.

6. Accordingly, it is ordered, pursuant to sections 1, 4(i) and (j), 201-205, 221, and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201-205, 221, and 410(c), that the dates for filing further responsive pleadings in this proceeding are extended as set forth in paragraph 5 of this Order.

Federal Communications Commission.

Carl D. Lawson,

Deputy Chief for Policy, Common Carrier Bureau.

[FR Doc. 86-19507 Filed 8-29-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 68

[CC Docket No. 81-216; FCC 86-352]

Registration Limitations on Computer Assisted or Controlled Automatic Dialing

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order; Withdrawal of Proposed Rule.

SUMMARY: The Commission determined not to adopt any limitations in Part 68 of the rules, 47 CFR Part 68, on computer assisted or controlled automatic dialing as had initially been proposed in the *Fourth Notice* (published on 50 FR 51893, 12-20-85). The Commission determined that it had not been shown that computer assisted or controlled automatic dialing was causing any harm to the telephone network such as excessive congestion justifying at this time imposition of additional regulatory requirements and the costs thereof on manufacturers and consumers. The Commission has also clarified the

[1] *Integration of Rates and Services*, 50 FR 41714 (Oct. 15, 1985).

[2] 47 U.S.C. 410(c). The referral of the market structure issues was a discretionary referral, while the consideration of any changes to the separations procedures is required by statute.

[3] Integration of Rates and Services, 51 FR 17756 (May 15, 1986).

effective dates for Part 68 interconnection standards for terminal equipment connected to subrate and 1.544 Mbps digital services. These are January 2, 1986 for the grandfather eligibility date for such equipment, and June 30, 1987, as the register only date for such equipment.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Domestic Facilities Division, Common Carrier Bureau, (202) 634-1832.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order adopted August 5, 1986, and released August 21, 1986, CC Docket 81-216, determining that Part 68 limitations on computer assisted or controlled dialing are not necessary at this time. The Commission also clarified the effective dates for Part 68 interconnection standards for terminal equipment connected to subrate and 1.544 Mbps digital services.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's Copy Contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Commission Decision

Part 68 of the Commission's rules, 47 CFR Part 68, provides the technical and procedural standards under which customer-provided telephone equipment, systems, and protective apparatus may be directly connected to the nationwide telephone network. Compliance with those standards assures equipment manufacturers and consumers that their equipment is connectible to the network, and assures telephone companies that connection will not cause harm to the network. Section 68.318(c)(1) of the rules, 47 CFR 68.318(c)(1), requires as a condition of registration that terminal equipment with an integral capability to dial telephone numbers limit repetitive dialing to the same number to fifteen successive attempts. This rule section applies only to terminal equipment which is itself registered under Part 68, but would not apply to other devices which do not contain an inherent automatic dialing capability but which can be controlled by an external device and directed to automatically dial telephone numbers. This latter situation involves principally modems which have the ability to dial a telephone number when directed by a computer. In *Fourth Notice of Proposed Rulemaking, supra,* the Commission solicited comment on whether and how Part 68 limitations should be adopted to protect against computer assisted or directed automatic dialing by registered terminal equipment. In response, several telephone carriers contended that since the Commission has already adopted Part 68 limitations on automatic dialing it is appropriate and necessary that such limitations be applied to any device which can engage in automatic dialing even though it does not have any integral automatic dialing capability but are merely directed by another device. They further claim that modems and other devices used as automatic dialers can cause network congestion and overloading of trunk lines and should therefore be subject to automatic dialing limitations. The carriers also requested that modems be required to recognize "reorder" tones (signals indicating that trunk lines are busy) and stop redialing when such tones are recognized). Manufacturers alleged generally that there was no evidence in the record that modems are being used in any way that causes network harm and that there is no justification for imposing on this class of equipment additional costs to prevent automatic dialing. In its decision, the Commission found essentially that there was insufficient evidence in the record to warrant a finding that modems or other devices were being used in conjunction with external control devices to engage in harmful automatic dialing. The Commission also found that Part 68 automatic dialing limitations could entail significant additional costs on relevant terminal equipment. The Commission concluded that Part 68 limitations to limit automatic dialing by computer controlled modems were not justified at the present time, although it was stated that the Commission could revisit the issue if necessary to ensure network protection.

The Commission also clarified the effective dates, *i.e.* grandfathering and register only dates, for implementation of Part 68 interconnection standards for network channel terminating equipment (NCTE) connected to subrate and 1.544 Mbps digital services. These dates are set forth in §§ 68.2(a) (1) and (2) of the Commission's rules, 47 CFR 68.2(a) (1) and (2). However, the dates in these rule sections as set forth in the Commission's decision and appendix as released by the Commission, *Memorandum Opinion and Order,* CC Docket 81-216, FCC 85-564, released November 22, 1985, the item as printed in the **Federal Register,** 50 FR 48203 (November 22, 1985) and a Public Notice issued by the Commission February 10, 1986, each specified different dates. The Commission clarified that the dates in §§ 68.2(a)(1) and (2) as appeared in the **Federal Register** are the correct dates. These dates are January 2, 1986 for the grandfather eligibility date and June 30, 1987 for the register only date. As no further issues were remaining, the Commission also terminated CC Docket 81-216.

Ordering Clauses

16. Accordingly, it is ordered, That CC Docket 81-216 is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-19610 Filed 8-29-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[BMCS Docket No. MC-125; Notice No. 86-11]

Qualifications of Drivers—Licenses; Extension of Comment Period

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: The FHWA issued an advance notice of proposed rulemaking (ANPRM) which was published in the **Federal Register** August 1, with the comment period closing on September 2. An extension of the closing date has been requested in which the petitioners believe there are a number of critical issues raised that cannot be fully evaluated within the time currently provided. The closing date is therefore being extended to October 2.

DATE: Comments must be received on or before October 2, 1986.

ADDRESS: All comments should refer to the docket number which appears at the top of this document and must be submitted (preferably in triplicate) to Room 3404, Bureau of Motor Carrier Safety, Federal Highway Administraton, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety (202)366–2983; or Mr. Edward J. Mullaney, Office of the Chief Counsel, (202)366–0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA received a petition from the American Association of Motor Vehicle Administrators requesting a 30-day extension of the comment period. The AAMVA stated that it wished to discuss the items contained in the ANPRM at its Driver License Steering Committee planning meeting and stated that the group needed extra time to adequately respond. The International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers of America and the American Trucking Associations requested an extension of 60 days in order to adequately respond to the 32 substantive questions contained in the ANPRM. The Virginia Department of Motor Vehicles requested the comment period be extended until December 2. These requests for extension have merit and therefore the comment period is being extended to October 2, 1986.

List of Subjects in 49 CFR Part 391

Highways and roads, Highway safety, Motor carriers, Motor vehicle safety, Driver qualifications.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: August 26, 1986.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc. 86–19699 Filed 8–29–86; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 50581–6157]

Atlantic Swordfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of non-implementation.

SUMMARY: By this notice, the Secretary of Commerce (Secretary) announces that he is not implementing the variable season closure (VSC) to fishing for Atlantic swordfish for 1986. Based on comments received, it is uncertain that net benefits would result from imposing the VSC this year. The fishery will remain open.

ADDRESS: Donald W. Geagan, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813–893–3722.

SUPPLEMENTARY INFORMATION: Under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR Part 630, the Secretary of Commerce issued a notice of preliminary annual adjustment to the variable season closure (VSC). The notice announced the starting and ending dates of the VSC which was intended to reduce the catch of small fish (51 FR 27227, July 30, 1986).

Comments received from the public and fishermen's organizations have demonstrated that it is uncertain if net benefits would result from the VSC this year.

Therefore, the Secretary has decided not to implement the variable season closure for 1986 and the fisheries will remain open.

Other Matters

This action is taken under the authority of 50 CFR Part 630 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: August 26, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86–19645 Filed 8–27–86; 3:47 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 51, No. 169
Tuesday, September 2, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Designation of the East Indiana (IN), Erie (OH), Michigan (MI), and Schneider (IN), Agencies in the Battle Creek, Michigan, Geographic Area

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation of East Indiana Grain Inspection, Inc.; Erie Grain Inspection Service; Michigan Grain Inspection Services, Inc.; and Schneider Inspection Service, Inc., as the official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act), in the Battle Creek, Michigan, geographic area.

EFFECTIVE DATE: October 1, 1986.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced that the designation of Grain Inspection Services, Inc., Battle Creek, Michigan, would not be renewed on May 1, 1986, and requested applications for official agency designation to provide official services within a specified geographic area in the April 1, 1986, **Federal Register** (51 FR 11083). Applications were to be postmarked by May 1, 1986. There were five applicants for the available geographic area, as follows:

1. East Indiana Grain Inspection, Inc. (East Indiana), Muncie, Indiana, which applied only for the following County in Ohio: Williams.
2. Erie Grain Inspection Service (Erie), Bellevue, Ohio, which applied for the entire geographic area available for assignment.
3. Lima Grain Inspection Service, Inc. (Lima), Lima, Ohio, which applied only for the following County in Ohio: Williams.
4. Michigan Grain Inspection Services, Inc. (Michigan), Reese, Michigan, which applied for the entire geographic area available for assignment.
5. Schneider Inspection Service, Inc. (Schneider), Lowell, Indiana, which applied only for the following Counties in Michigan: Berrien, Cass, St. Joseph, Branch, and Hillsdale.

FGIS announced the applicant names and requested comments on the same in the June 2, 1986, **Federal Register** (51 FR 19771), and as corrected, June 17, 1986, (51 FR 21943). Comments were to be postmarked by July 17, 1986. One favorable comment was received regarding the Schneider application for designation.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that East Indiana, Erie, Michigan, and Schneider are better able than any other applicant to provide official services in the geographic area for which FGIS is designating them. These assignments of geographic areas are effective October 1, 1986, and terminate upon the end of East Indiana's (August 31, 1988), Erie's (June 30, 1989), Michigan's (April 30, 1989), and Schneider's (July 31, 1987) present designations. East Indiana's, Erie's, Michigan's, and Schneider's present designations are amended accordingly.

East Indiana, Erie, Michigan, and Schneider will provide official inspection services in the following specified geographic areas, which together comprise the entire area previously described in the April 1 **Federal Register.**

The following geographic area, in the State of Ohio, is hereby assigned to East Indiana: Williams County.

The following geographic area, in the State of Michigan, is hereby assigned to Erie: Crop Aid, Hudson, Lenawee County.

The following geographic area, in the State of Michigan, is hereby assigned to Michigan:

Bounded on the North by the northern and eastern Mason County lines; the northern and eastern Newago County lines; the northern Montcalm County line east to U.S. Route 131; U.S. Route 131 south to State Route 46; State Route 46 east to State Route 66; State Route 66 south to Washington Road; Washington Road east to the western Gratiot County line; the western Gratiot County line south to State Route 57; State Route 57 east to U.S. Route 27;

Bounded on the East by U.S. Route 27 south to U.S. Route 127; U.S. Route 127 south to the Jackson County line;

Bounded on the South by the southern Jackson, Calhoun, Kalamazoo, and Van Buren County lines; and

Bounded on the West by the Lake Michigan shoreline north to the northern Mason County line.

An exception to the described geographic area is the following location situated inside this area which has been and will continue to be serviced by Detroit Grain Inspection Service, Inc.: St. Johns Coop., St. Johns, Clinton County, Michigan.

The following geographic area, in the State of Michigan, is hereby assigned to Schneider: Berrien, Cass, St. Joseph, Branch, and Hillsdale Counties.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or by contacting the agencies at the following addresses:

East Indiana Grain Inspection, Inc., 2017 Enterprise Avenue, Muncie, IN 47302

Erie Grain Inspection Service, 301 North Street, P.O. Box 96, Bellevue, OH 44811

Michigan Grain Inspection Services, Inc., 1770 South Reese Road, Reese, MI 48757

Schneider Inspection Service, Inc., 15406 White Oak, Lowell, IN 46356

Until October 1, 1986, persons or firms located in the geographic area described in the April 1 **Federal Register** and requiring official inspection services should contact the FGIS Saginaw field office at (517) 753–2482.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: August 15, 1986.

J.T. Abshier,

Director, Compliance Division

[FR Doc. 86–19635 Filed 8–29–86; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicant in the Belmond, Iowa, Geographic Area (IA)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicant for official agency designation in the Belmond, Iowa, geographic area.

DATE: Comments to be postmarked on or before October 17, 1986.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Staff, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced the cancellation of designation of David R. Schaal, doing business as D. R. Schaal Agency, effective December 31, 1986, and requested applications for official agency designation to provide official services within a specified geographic area in the July 1, 1986, **Federal Register** (51 FR 23802). Applications were to be postmarked by July 31, 1986. Lewis D. Schaal, who proposes to do business as D. R. Schaal Agency, was the only applicant for designation and applied for designation in the entire area available for assignment.

This notice provides interested persons the opportunity to present their comments concerning the designation applicant. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the address listed above.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicant will be informed of the decision in writing.

Pub. L. 94–582, 90 Stat.2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: August 15, 1986.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 86–19637 Filed 8–29–86; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants to Provide Official Services in the Geographic Area Currently Assigned to the Columbus Agency (OH)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of one agency will terminate, in accordance with the Act, and requests applications from parties, including the agency currently designated, interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agency. The official agency is Columbus Grain Inspection, Inc.

DATE: Applications to be postmarked on or before October 2, 1986.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of FGIS is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Columbus Grain Inspection, Inc. (Columbus), 348 ½ E. Franklin, P.O. Box 167, Circleville, OH 43113, was designated under the Act as an official agency to provide inspection functions on March 1, 1984.

The official agency's designation terminates on February 28, 1987. Section (7)(g)(1) of the Act states that official agencies' designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Columbus, in the State of Ohio, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

Bounded on the North by U.S. Route 30 east to State Route 154; State Route 154 east to the Ohio-Pennsylvania State line;

Bounded on the East and South by the Ohio-Pennsylvania State line south to the Ohio River; the Ohio River south-southwest to the western Scioto County line; and

Bounded on the West by the western Scioto County line north to State Route 73; State Route 73 northwest to U.S. Route 22; U.S. Route 22 west to U.S. Route 68; U.S. Route 68 north to Clark County; the northern Clark County line west to State Route 560; State Route 560 north to State Route 296; State Route 296 west to Interstate 75; Interstate 75 north to State Route 47; State Route 47 northeast to U.S. Route 68; U.S. Route 68 north to U.S. Route 30.

Interested parties, including Columbus, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning March 1, 1987, and ending February 28, 1990.

Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above, for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: August 15, 1986.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 86–19364 Filed 8–29–86; 8:45 am]

BILLING CODE 3410-EN-M

Designation Renewal of the Fostoria Agency (OH), State of Louisiana (LA), and State of North Carolina (NC)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Fostoria Grain Inspection (Fostoria), Louisiana Department of Agriculture (Louisiana), and North Carolina Department of Agriculture (North Carolina) as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: October 1, 1986.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced that Fostoria's, Louisiana's, and North Carolina's designations terminate on September 30, 1986, and requested applications for official agency designation to provide official services within specified geographic areas in the April 1, 1986, **Federal Register** (51 FR 11084), and as corrected, April 9, 1986 (51 FR 12188). Applications were to be postmarked by May 1, 1986. Fostoria, Louisiana, and North Carolina were the only applicants for their respective designations, and each applied for designation renewal in the area currently assigned to each agency.

FGIS announced the applicant names and requested comments on the same in the June 2, 1986, **Federal Register** (51 FR 19769). Comments were to be postmarked by July 17, 1986. No comments were received regarding Fostoria's, Louisiana's, and North Carolina's designation renewal.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Fostoria, Louisiana, and North Carolina are able to provide official services in the geographic area for which FGIS is renewing their designation. Effective October 1, 1986, and terminating September 30, 1989, Louisiana will provide official inspection and Class X or Class Y weighing services, and Fostoria and North Carolina will provide official inspection services in their entire specified geographic areas, previously described in the April 1 **Federal Register.**

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or by contacting the agencies at the following addresses:

Fostoria Grain Inspection, 626 West Fourth Street, P.O. Box 864, Fostoria, OH 44830

Louisiana Department of Agriculture, P.O. Box 44456, Baton Rouge, LA 70804

North Carolina Department of Agriculture, P.O. Box 27647, Raleigh, NC 27611.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: August 19, 1986.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 86–19632 Filed 8–29–86; 8:45 am]

BILLING CODE 3410-EN-M

Designation of the Enid (OK) and Little Rock (AR) Agencies in the Ft. Smith-Van Buren, Arkansas, Geographic Area

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: This notice announces the designation of Enid Grain Inspection Company, Inc., and Little Rock Grain Exchange Trust as the official agencies responsible for providing official services under the U.S. Grain Standards Act, as amended (Act), in the Ft. Smith-Van Buren, Arkansas, geographic area.

EFFECTIVE DATE: October 1, 1986.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced the cancellation of designation of Ft. Smith-Van Buren Grain Inspection Service, effective April 17, 1986, and requested applications for official agency designation to provide official services within a specified geographic area in the April 1, 1986, **Federal Register** (51 FR 11086). Applications were to be postmarked by May 1, 1986. There were two applicants for the available geographic area, as follows: 1. Enid Grain Inspection Company, Inc. (Enid), Enid, Oklahoma; and 2. Little Rock Grain Exchange Trust (Little Rock), Little Rock, Arkansas. Both applicants applied for the entire geographic area available for assignment.

FGIS announced the applicant names and requested comments on the same in the June 2, 1986, **Federal Register** (51 FR 19769), and as corrected, June 17, 1986 (51 FR 21943). Comments were to be postmarked by July 17, 1986. FGIS received two comments regarding designation in the available geographic area. One commenter, whose firm is located in Oklahoma, commented favorably upon Enid's application for designation; the other commenter, whose firms are located in both Arkansas and Oklahoma, stated that for the firm located in Arkansas they would

prefer Little Rock, and for the firm located in Oklahoma they would prefer Enid.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Enid and Little Rock are better able than any other applicant to provide official services in the geographic area for which FGIS is designating them. These assignments of geographic areas are effective October 1, 1986, and terminate upon the end of Enid's (June 30, 1989) and Little Rock's (May 31, 1988) present designations. Enid's and Little Rock's present designations are amended accordingly.

Enid and Little Rock will provide official inspection services in the following specified geographic areas, which together comprise the entire area previously described in the April 1 Federal Register.

The following geographic area, in the State of Oklahoma, is hereby assigned to Enid: Adair, Cherokee, Choctaw, Delaware, Haskell, Latimer, Le Flore, McCurtain, McIntosh, Muskogee, Ottawa, Pittsburg, Pushmataha, and Sequoyah Counties.

The following geographic area, in the State of Arkansas, is hereby assigned to Little Rock: Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Montgomery, Newton, Polk, Sebastian, Sevier, Scott, Washington, and Yell Counties.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or by contacting the agencies at the following addresses:

Enid Grain Inspection Company, Inc., 2205 N. 10th Street, P.O. Box 229, Enid, OK 73701

Little Rock Grain Exchange Trust, 600 Olive Street, Bldg. B, North Little Rock, AR 72114

Until October 1, 1986, persons or firms located in the geographic area described in the April 1 Federal Register and requiring official inspection services should contact the FGIS Stuttgart field office at (501) 673-2508.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: August 15, 1986.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 86-19636 Filed 8-29-86; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to the Alva Agency (OK) and State of Connecticut (CT)

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to Alva Grain Inspection Department (Alva) and Connecticut Department of Agriculture (Connecticut).

DATE: Comments to be postmarked on or before October 17, 1986.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Staff, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS requested applications for official agency designation to provide official services within specified geographic areas in the July 1, 1986, Federal Register (51 FR 23802). Applications were to be postmarked by July 31, 1986. Alva and Connecticut were the only applicants for their respective designations and each applied for designation renewal in the area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the designation applicants. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the address listed above.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the Federal Register, and the applicants will be informed of the decision in writing.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: August 15, 1986.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 86-19633 Filed 8-29-86; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

Land and Resource Management Plan, Los Padres National Forest, Monterey, San Luis Obispo, Santa Barbara, Ventura, Kern, and Los Angeles Counties, CA; Extension to Public Review and Comment Period for the Proposed Forest Plan and Draft Environmental Impact Statement

In response to public request the Los Padres National Forest has extended the public review and comment period for the Proposed Forest Plan and Draft Environmental Impact Statement to Thursday October 30, 1986. All written comments should be addressed to Forest Supervisor Arthur J. Carroll, Los Padres National Forest, Attn: LMP, 6144 Calle Real, Goleta, CA 93117.

For additional information on the comment period extension, please contact the Public Affairs Officer or Planning Officer at the above address or telephone (805) 683-6711.

Arthur J. Carroll,

Forest Supervisor, Los Padres National Forest.

[FR Doc. 86-19704 Filed 8-29-86; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration

Title: Logbook Family of Forms—Amendment 9

Form Number: Agency—N/A; OMB—0648-0016

Type of Request: Revision of a currently approved collection
Burden: 4,282 respondents; 8,123 reporting/recordkeeping hours
Needs and Uses: The objective of the amendment is to evaluate the relative costs and technical merits of a mandatory logbook approach to data collection for coastal pelagics.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: Weekly
Respondent's Obligation: Mandatory
OMB desk officer: Sheri Fox, 395-3785

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW. Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: August 20, 1986.

Linda Engelmeier,

Acting Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86-19750 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Determination for Surveys

In conformity with Title 13, United States Code, sections 182, 224, and 225 and due notice of consideration having been published on April 1, 1985 (50 FR 12843), I have determined that a 1986 Company Organization Survey is needed to update the multiestablishment companies in the Standard Statistical Establishment list. The survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. These data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the form are available on request to the Director, Bureau of the Census, Washington, DC 20233.

I have, therefore, directed that a Survey be conducted for the purpose of collecting these data.

Dated: August 27, 1986.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 86-19742 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[C-614-601]

Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Steel Wire From New Zealand

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in New Zealand of steel wire. The estimated net bounty or grant is 6.84 percent *ad valorem* for all manufacturers, producers, or exporters in New Zealand of steel wire.

We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of steel wire from New Zealand that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit on entries of this product in the amount equal to the estimated net bounty or grant.

EFFECTIVE DATE: September 2, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Mark Linscott, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2438 or 377-1174.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in New Zealand of steel wire. For purposes of this final determination, the following programs are found to confer bounties or grants:

- Export Performance Taxation Incentive (EPTI).
- Export Market Development Taxation Incentive (EMDTI).
- Sales Tax Refunds.
- Export Suspensory Loan Scheme.

The estimated net bounty or grant is 6.84 percent *ad valorem* for all manufacturers, producers, or exporters in New Zealand of steel wire.

Case History

On March 17, 1986, we received a petition in proper form from the Davis Walker Corporation, filed on behalf of the U.S. industry producing steel wire. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in New Zealand of steel wire, directly or indirectly, receive benefits which constitute bounties or grants within the meaning of section 303 of the Act.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on April 7, 1986, we initiated such an investigation (51 FR 13050, April 17, 1986). We stated that we expected to issue a preliminary determination on or before June 10, 1986.

Since New Zealand is not a "country under the Agreement" within the meaning of section 701(b) of the Act, sections 303(a)(1) and 303(b) of the Act apply to this investigation. Accordingly, petitioner is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this merchandise materially injure, or threaten material injury to, a U.S. industry.

On April 16, 1986, we presented a questionnaire to the Government of New Zealand, in Washington, DC, concerning the petitioner's allegations. On May 16, 1986, we received a response to our questionnaire from the Government of New Zealand, and on May 23, 1986, we received a response to our questionnaire from New Zealand Wire Industries Limited (NZWI), the only known producer and exporter of steel wire to the United States. On the basis of the information contained in these responses, we made our preliminary determination on June 10, 1986 (51 FR 21784, June 16, 1986). From June 30 to July 4, 1986, we verified the responses submitted by the Government of New Zealand and NZWI.

We received a supplemental submission from NZWI on August 8, 1986. We afforded interested parties an opportunity to present views orally in accordance with our regulations (19 CFR 355.35). No public hearing was

requested. On August 6, 1986, we received case briefs from petitioner and respondents. On August 11, 1986, we received a rebuttal brief from respondents.

Scope of Investigation

For purposes of this investigation, galvanized carbon steel wire covers round, carbon steel wire coated or plated with zinc, 0.06 inch or more in diameter, as currently provided for in items 609.4165 and 609.4365 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These general principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984 issue of the Federal Register (49 FR 18006, April 26, 1984).

For purposes of this final determination, the period for which we are measuring bounties or grants ("the review period") is July 1, 1984, through June 30, 1985, which corresponds to the company's last complete fiscal year. Based upon our analysis of the petition, the responses to our questionnaire submitted by the Government of New Zealand and NZWI, our verification and written comments submitted by interested parties, we determine the following:

I. Programs Determined to Confer Bounties or Grants

We determine that bounties or grants are being provided to manufacturers, producers, or exporters in New Zealand of steel wire under the following programs:

A. Export Performance Taxation Incentive (EPTI)

Petitioner alleges that the New Zealand steel wire industry receives EPTI tax credits on exports of qualifying goods.

According to the response of the Government of New Zealand, exporters are entitled to receive a tax credit based on the f.o.b. value of qualifying goods exported under section 156A of the Income Tax Act of 1976, as amended. Credits are available as a deduction against income tax payable. If the tax credit exceeds the income tax payable, the remainder is paid to the taxpayer in cash.

The rate of the tax credit is dependent upon the government predetermined value-added category into which the product falls. The amount of the tax credit is calculated by multiplying the rate corresponding to the value-added category into which the product falls by the f.o.b. value of export sales. Galvanized (zinc-coated) steel wire falls into value-added category B, for which the corresponding rate is 10.5 percent.

According to the response and verified information, the rates specified under this program will be reduced in the tax years ending March 31, 1986, and March 31, 1987, and then the program will be eliminated entirely. We verified that NZWI claimed a 10.5 percent EPTI tax credit for exports of galvanized steel wire on the tax return filed during the review period.

Because eligibility for this program is limited to exporters, we determine that it provides a bounty or grant to producers and exporters of steel wire within the meaning of the countervailing duty law.

Under our tax methodology, we calculate the benefit from this program by dividing the amount of the EPTI tax credits claimed by NZWI for its exports of galvanized steel wire to the United States on the tax return filed during the review period by the value of the company's total export sales of galvanized steel wire to the United States during the review period. On this basis, we calculate an estimated net bounty or grant of 5.40 percent *ad valorem*.

B. Export Market Development Taxation Incentive (EMDTI)

Petitioner alleges that the New Zealand steel wire industry receives EMDTI tax credits under section 156F of the New Zealand Income Tax Act of 1976, as amended, for qualifying export market development expenditures.

According to the government's response, under the 1979 Amendment of the Income Tax Act of 1976, certain export market development expenditures qualify as a tax credit amounting to 67.5 percent of the total expenditure. Qualifying expenditures include expenses incurred principally for seeking and developing markets, retaining existing markets, and obtaining market information. An exporter who takes advantage of this tax credit may not deduct the qualifying expenditures as ordinary business expenses in calculating the taxable income. We verified that NZWI claimed EMDTI tax credits for market development expenditures in the United States on the tax return filed during the review period.

Because eligibility for this program is limited to exporters, we determine that it confers a bounty or grant within the meaning of the countervailing duty law.

To quantify the benefit accruing to NZWI under this program, we compared the value of claiming 67.5 percent of the expenditures as a tax credit rather than deducting the expenditures as ordinary business expenses. Given that the corporate tax rate in New Zealand during the review period was 45 percent, the net benefit to the exporters under this program is 22.5 percent of the qualifying expenditures.

We divided 22.5 percent of the qualifying expenditures which were claimed by NZWI on the tax return filed during the review period for marketing efforts directed at the United States by the total f.o.b. value of export sales of steel wire to the United States during the review period. On this basis, we calculate an estimated net bounty or grant of 0.55 percent *ad valorem*.

C. Sales Tax Exemptions or Refunds

Petitioner alleges that the New Zealand steel wire industry receives sales tax exemptions or refunds on machinery and equipment used in the production of goods for export.

Under Item 136 IV of the Sales Tax Exemption Order of 1979, machinery used in the production of goods for export may be exempt from the ten percent sales tax. A company must demonstrate that 40 percent of the f.o.b. value of production from the machinery will be exported or must show that its exports are more than NZ $500,000 f.o.b. per year. Because NZWI's exports exceed NZ $500,000 f.o.b. per year, it is a qualifying exporter under Item 136 IV. We verified that NZWI received a refund of the sales tax during the review period under Item 136 IV for machinery used to produce zinc-coated steel wire.

We determine that Item 136 IV sales tax exemptions or refunds provide a bounty or grant to producers and exporters of steel wire within the meaning of the countervailing duty law because the refund/exemption is contingent upon export performance.

In 1983, a modification of the Sales Tax Exemption Order of 1979 imposed a 40 percent sales tax on computer equipment. Part G of this modification order authorized the Minister of Trade and Industry to classify computer equipment at a ten percent rate under such conditions as he may determine. On October 18, 1983, the Minister of Trade and Industry announced a reduction in the sales tax rate on computer equipment to ten percent for a wide range of businesses including

those operating in agriculture, forestry, fishing, mining, manufacturing, utilities, construction, transport, storage, and communications.

NZWI received a rebate of the sales tax on computer equipment it purchased in the amount of the difference between the 40 and ten percent rates. We verified that the ten percent rate on computer equipment was not contingent upon export performance and was unrelated to Item 136 IV exemptions or refunds. Moreover, because refunds received on computer equipment are not based on exports and are available to a broad range of industries, we determine them to be not countervailable.

To calculate the benefit from Item 136 IV sales tax exemptions or refunds to exporters, we divided the total refunds received during the review period for purchases of equipment by the total export sales during the review period. On this basis, we calculate an estimated net bounty or grant of 0.71 percent *ad valorem.*

D. Export Suspensory Loan Scheme

Petitioner alleges that the New Zealand steel wire industry received loans or grants for the purchase of equipment used in the manufacture of export goods under the Export Suspensory Loan Scheme.

We verified that exporters may receive loans from the Department of Trade and Industry under the Export Suspensory Loan Scheme for the purchase of equipment used to expand production of exportable goods. If an exporter meets its predetermined export sales targets, its loans are converted to grants. NZWI received loans in 1979 and 1980, both of which were converted to grants during the company's fiscal year ending June 31, 1984.

We determine that this program provides a bounty or grant to producers and exporters of steel wire within the meaning of the countervailing duty law because suspensory loans under this program are made available only for purchasing equipment used in producing export goods.

To calculate the benefit, we allocated the grants received during the company's fiscal year ending in 1984 over 15 years, the average useful life of equipment used in the steel industry. We attempted to calculate a discount rate for this allocation based on the company's cost of fixed-interest-rate long-term loans taken out in the 1984 fiscal year. However, the company did not have any fixed-rate loans. We then sought the interest rates on variable-rate long-term loans taken out in 1984. Again, no variable-rate long-term loans were taken out in 1984. Therefore, we used as the discount rate the weighted-average interest rate paid by the company during the review period on variable-rate long-term loans for which balances were outstanding in 1984, the year the grants were received.

The benefit allocated to the review period was divided by total export sales during the review period. The estimated net bounty or grant conferred on NZWI by the Export Suspensory Loan Scheme during the review period is 0.18 percent *ad valorem.*

II. Programs Determined Not To Confer Bounties or Grants

We determine that bounties or grants are not being provided to manufacturers, producers, or exporters in New Zealand of steel wire under the following program:

Global Tender Import Licenses

The response submitted by the Government of New Zealand indicated that NZWI obtained global tender licenses for importing wire rod and steel wire during the review period.

Under the global tender licensing scheme, the Department of Trade and Industry "auctions" the right to import products that are also available from New Zealand producers. Licenses are tendered in units of $2,000 (valued c.i.f.). In each round of bidding, a wide range of products is tendered. Tenders are announced in the New Zealand Gazette. Bidding for the licenses is done by post and is open to any person or firm domiciled in New Zealand.

Once the average successful bid rate (the ratio of the average successful bid to the unit price expressed as a percentage) is below 7.5 percent and after two rounds of tendering, the product is automatically given one-year "license on demand" status. If the license on demand does not threaten the domestic industry producing that product, import licensing requirements for the product are eliminated.

We verified that global tender licenses are available to all importers and apply to all products for which licensing requirements are still in place. We saw no evidence that these licenses are limited to a specific enterprise or industry, or group of enterprises or industries. Therefore, we determine that global tender import licenses do not confer a countervailable benefit.

III. Programs Determined Not To Be Used

Based on our verification of the responses of the Government of New Zealand and NZWI, we determine that manufacturers, producers, or exporters in New Zealand of steel wire did not use the following programs, which were listed in our notice of initiation.

A. Export Marketing Assistance

Petitioner alleges that the New Zealand steel wire industry receives various types of export marketing assistance from the New Zealand Export-Import Corporation, the Department of Trade and Industry, the Building Research Association of New Zealand, and the Standards Association of New Zealand.

According to the responses and verified information, NZWI received no export marketing assistance from any of the aforementioned organizations. Also, we verified that NZWI purchased no U.S. standards from the Standards Association of New Zealand during the review period.

B. Export Programme Grants Scheme (EPGS)/Export Programme Suspensory Loan Scheme (EPSLS)

Petitioner alleges that, under the Export Programme Grants Scheme (EPGS) and the Export Programme Suspensory Loan Scheme (EPSLS), the New Zealand steel wire industry is eligible to receive overseas marketing assistance. The Export Programme Suspensory Loan Scheme is a distinct program from the Export Suspensory Loan Scheme discussed in section I.D. of this notice.

The EPGS offered grants covering 64 percent of approved marketing expenditures. The EPGS was superseded by the EPSLS in June 1982. Unlike its predecessor, the EPSLS offered loans that were converted to grants upon achieving predetermined export targets. The loans were limited to 40 percent of approved expenditures. The EPSLS has been terminated although assistance can continue through 1987 for agreements entered into prior to termination of the program. No new applications have been accepted since May 1985.

Under both the EPGS and the EPSLS, eligible companies participated in three year marketing plans. Grants or loans were disbursed in each year of the plan to defray partially marketing expenditures made in that year. Eligible expenditures consisted primarily of costs of travel, salary, per diem and some special promotional expenses.

We verified that NZWI received no assistance under the EPGS for promoting exports during the review period. Additionally, we verified that NZWI received assistance under the EPSLS only for marketing activities in Australia and had no loans outstanding

under this program during the review period.

Therefore, no benefits accrued to exports to the United States during the review period. Accordingly, we determine that these programs were not used.

C. Preferential Treatment to Exporters in Granting Import Licenses

Petitioner alleges that import licensing concessions under the Export Production Assistance Scheme are provided to companies that import materials for incorporation in goods to be exported. Such concessions may include additional availability of import licenses on components incorporated into goods to be exported for the purpose of increasing New Zealand's access to foreign markets. These concessions are not available to manufacturers producing for domestic consumption. We verified that NZWI received no import licensing concessions during the review period.

D. Research and Development Incentives

Petitioner alleges that the New Zealand steel wire industry receives research and development incentives under the Applied Technology Program administered by the Development Finance Corporation and under the predecessor Industrial Research and Development Grants Advisory Committee of the Department of Trade and Industry. We verified that no assistance has been provided under this program to NZWI.

E. Regional Development Investment Incentives

Petitioner alleges that New Zealand steel wire producers receive a variety of regional development incentives administered by the Department of Trade and Industry based on their location in regions classified as either priority or low growth. Petitioner also alleges that the steel wire industry receives concessions on electricity, water rights, and rail freight for any facilities located on the South Island. We verified that NZWI received no regional development incentives from the Department of Trade and Industry or any other government organization.

F. Special Industrial Development Allowances

Petitioner alleges that the New Zealand steel wire industry receives tax benefits from the Industrial Development Plan Investment Allowance (IDPIA) under section 121 or the High Priority Investment Allowance under section 121A of the New Zealand Income Tax Act of 1976, as amended. According to the government response no industrial development plan has been approved for the steel wire industry and, therefore, no producer or exporter of steel wire has qualified for this program. We verified that NZWI has not received benefits under this program.

G. Export and Development Financing From the Development Finance Corporation

Petitioner alleges that the New Zealand steel wire industry receives export credits and development financing on terms inconsistent with commercial considerations from the Development Finance Corporation. We verified that NZWI has not received any export credits from the Development Finance Corporation. We also verified that NZWI had no development financing loans outstanding during the review period.

Petitioner's Comments

Comment 1: Petitioner contends that, in calculating the value of the benefit to the respondent from the EPTI Program, the Department should calculate the benefit at 10.5 percent, the corresponding value-added band rate under the EPTI program for galvanized wire.

DOC Position: We believe that the most accurate method to calculate the benefit accruing to exports of steel wire to the United States under the EPTI program is to use the value of EPTI credits claimed by NZWI on the tax return filed during the review period. See our discussion in the *DOC Position* on respondents' *Comment 1.*

Comment 2: Petitioner contends that the Department should calculate the benefit under EMDTI based on 67.5 percent of qualifying marketing expenditures and should not reduce this amount by the deduction otherwise allowable for these expenditures. Petitioner argues that because NZWI owed no taxes during the review period due to its assumption of the losses of another company within the Fletcher Challenge Group, the tax consequences of a deduction are irrelevant.

DOC Position: We disagree. The Department's practice for measuring benefits from tax subsidy programs is designed to isolate the difference between tax consequences resulting under a particular program and the tax consequences that would otherwise result absent the subsidy program. Marketing expenditures are normally deductible as ordinary business expenses. Therefore, the benefit accruing to NZWI is the difference between treating a portion of these expenditures as a credit rather than deducting them in their entirety. That NZWI was able to put itself into a tax loss position and, hence, pay no taxes during the review period does not detract from the fact that these expenditures are deductible. If the EMDTI program did not exist, NZWI could choose not to assume the losses of another company and accordingly, could deduct the full amount of its qualifying marketing expenditures.

Comment 3: Petitioner contends that the Department erred in allocating grants received under the Export Suspensory Loan Scheme over 15 years, the average useful life of equipment in the steel industry. Petitioner argues that these grants should be treated as one-time extraordinary items and expensed in the year of receipt or, alternatively, should be allocated over five to seven years, the amortization period used by NZWI.

DOC Position: We disagree. Department grant methodology as set forth in the Subsidies Appendix provides for allocation of grants over the average useful life of renewable physical assets in the industry. As stated in the Subsidies Appendix, the IRS tables, which reflect reasonable accounting useful life, provide the best practicable means of consistently determining useful life. This allocation methodology avoids the obvious anomaly that would result if subsidies margins varied between cases due solely to different countries' periods of allocation.

Comment 4: Petitioner contends that the global tender licensing process is selectively applicable to certain industries and products. Petitioner argues that the Department should quantify the benefit as the difference in price between imported and domestically produced wire rod.

DOC Position: We disagree. See our discussion in section II.

Comment 5: Petitioner contends that all refunds of sales tax payments received by NZWI are made pursuant to exemption provisions applicable to only select industries and that all refunds should be included in the final subsidy rate. Petitioner further contends that the full exemption from sales tax for steel raw materials and steel wire authorized in the Sales Tax Exemption Order of 1979 are countervailable subsidies.

DOC Position: We agree that all refunds received by NZWI as a qualifying exporter under Item 136 IV of the Sales Tax Exemption Order of 1979 are countervailable (see our discussion in section I.C.). We disagree that refunded sales taxes for purchases of

computer equipment are countervailable (see our discussion in section I.C.). Finally, we disagree that the full exemptions for steel raw materials and steel wire are countervailable.

The Sales Tax Exemption Order of 1979 sets forth a schedule of exempt items. Some exemptions are specific classes of goods. Others are determinable items, *i.e.*, subject to the terms of exemption approved by the Minister of Trade and Industry. For example, Item 136 IV, which designates machinery used in the production of export goods as exempt, was implemented pursuant to such discretionary authority of the Minister.

Exempt goods specifically listed in the Schedule and not subject to ministerial discretion include an expansive and wide variety of products used by an equally wide variety of industries. The list designates over 200 specific exempt goods or exempt classes of goods. A small sample includes chemical, pharmaceutical, and related products, electrical goods and materials, food and foodstuffs, machinery used in farming, forestry, fisheries, beekeeping, and horticulture, metal products, paper, printed material, rubber products, textiles, and motor vehicles. No analysis of specificity could conclude that these exemptions are limited to a specific enterprise or industry, or group of enterprises or industries. The exemptions for steel raw materials and steel wire are among the products in the listing of specifically exempt goods.

Respondents' Comments

Comment 1: Respondents contend that for EPTI and EMDTI the Department should not lag tax benefits by allocating credits to the period in which the tax return is filed but instead should calculate benefits based on the credits earned by reason of sales made within the review period. Respondents argue that our current methodology can produce absurd results and has the effect of imposing duties on importers out of all proportion to true countervailing duty rates.

Respondents also argue that the lag methodology is unnecessary for analyzing EPTI and EMDTI, because benefits are readily determinable in advance. For this reason, EPTI benefits have nothing to do with calculating taxable income and consequently, are not, in actuality, tax benefits but instead are a grant which should be expensed in the year of receipt. Finally, respondents contend that our lag methodology has the effect of encouraging manufacturers to increase U.S. export sales.

DOC Position: We disagree. The Department's long-standing tax methodology has been to lag income tax benefits. The statute requires us to countervail the actual net subsidy received. Consequently, tax benefits are countervailable only when a company actually receives the benefits, rather than when a company becomes eligible to receive them.

While under a program like EPTI, a company can know in advance the magnitude of its tax credit, the credit's ultimate effect lies in how it modifies the actual tax liability. In an income tax program, the actual tax liability cannot be known until after the tax return is filed. Therefore, only after its tax return is filed can a company truly discern the ultimate benefit, and its effects, derived from any tax program.

An exporter may choose not to claim EPTI credits or may choose to claim them selectively. This situation arose in the investigation of Carbon Steel Wire Rod from New Zealand (see "Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Carbon Steel Wire Rod from New Zealand," (51 FR 7971, March 7, 1986)), where one of the companies did not claim EPTI for export sales of carbon steel wire rod but claimed it for other export sales. Only after a company's tax return is filed can the EPTI credit claimed be determined with certainty.

Finally, for cases involving several companies, some of which may operate on different fiscal years, we attempt to analyze all of the companies at the same point in time. If some companies' fiscal years do not correspond to the review period, an analysis of their export sales during the review period will include sales, a portion of which will be claimed in the tax return filed during the review period and the remaining portion in a tax return filed in the future. The lag methodology avoids such skewed results.

As to respondents' contention that our lag methodology encourages manufacturers to increase exports to the United States, we believe that export sales are influenced by factors independent of the desire of a manufacturer, faced with countervailing duties, to increase the denominator used to calculate the extent of countervailing duties. Further, respondents' argument ignores the real impact of the imposition of countervailing duties, namely that importers are discouraged from importing the subject product. Thus, exporters' inclinations to the contrary, the effect would generally be a net decrease in sales to the United States.

Comment 2: Respondents contend that no refunds of sales tax payments were received by NZWI during the review period by reason of steel wire exportation.

DOC Position: We disagree. See our discussion under section I.C.

Verification

In accordance with section 776(a) of the Act, we verified the information and data used in making our final determination. During verification, we followed normal verification procedures, including meetings with government officials and inspection of documents, as well as on-site inspection of the accounting records of NZWI.

Administrative Procedures

We afforded interested parties an opportunity to present views orally in accordance with § 355.34 of our regulations (19 CFR 355.34). Written comments were received from respondents on August 6 and 11, 1986, and from petitioner on August 6, 1986. We also afforded the parties to the proceeding an opportunity to present views orally before the Department at a public hearing in accordance with § 355.35 of our regulations (19 CFR 355.35). No public hearing was requested.

Suspension of Liquidation

The suspension of liquidiation ordered in our preliminary affirmative countervailing duty determination will remain in effect until further notice. The estimated bounty or grant is 6.84 percent *ad valorem.*

In accordance with section 706(a)(4) of the Act, we are directing the U.S. Customs Service to require a cash deposit in the amount indicated above for each entry of the steel wire from New Zealand which is entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to assess countervailing duties in accordance with sections 706(a)(1) and 751 of the Act.

This notice is published pursuant to section 705(d) of the Act (19 U.S.C. 1671d(d)).

August 25, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-19620 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Notice 2]

National Fire Codes; Request for Proposals for Revisions of Standards

AGENCY: National Bureau of Standards, DOC.

ACTION: Notice of request for proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise same of its fire safety standards and requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its standards. The publication of this notice of request for proposals by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necesarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESS: Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Arthur E. Cote, P.E., Secretary, Standards Council, at the above address, (617) 770-3000.

SUPPLEMENTARY INFORMATION:

Background

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Request for Proposals

Interested person may submit amendments supported by written data, views, or argument to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Proposals should be submitted on forms available from the NFPA Standards Administration Office.

Each person must include his or her name and address, identify the document and give reasons for the proposal. Proposals received before or by 5:00 E.D.S.T. on the closing date indicated will be acted on by the Committee.

At a later date each NFPA technical committee will issue a report which will include a copy of written proposals that have been received and an account of their disposition. Each person who has submitted a written proposal will receive a copy of the report.

Dated: August 25, 1986.

Raymond G. Kammer,

Acting Director, National Bureau of Standards.

1987 Technical Committee Reports

NFPA technical committees are accepting proposals for recommendations on the following documents:

NFPA 50A-1984, Gaseous Hydrogen Systems at Consumer Sites—May 29, 1987

NFPA 50B-1985, Liquefied Hydrogen Systems at Consumer Sites—May 29, 1987

NFPA 51B-1984, Actylene Cylinder Charging Plants—May 29, 1987

NFPA 52-1984, CNG Systems on Motor Vehicles & Fueling Systems—Jan 16, 1987

NFPA 54-1984, National Fuel Gas Code—Apr 15, 1987

NFPA 61A-1984, Manufacturing & Handling Starch—Jul 17, 1987

NFPA 61C-1984, Fire & Dust Explosions in Feed Mills—Jul 17, 1987

NFPA 61D-1984, Fire & Dust Explosions in the Milling of Agricultural Commodities for Human Consumption—Jul 17, 1987

NFPA 82-1983, Incinerators & Waste & Linen Handling Systems & Equipment—Jan 16, 1987

NFPA 90A-1985, Air Conditioning & Ventilating Systems—Jul 17, 1987

NFPA 90B-1984, Warm Air Heating & Air Conditioning System—Jul 17, 1987

NFPA 301-1984, Motor Craft—Jul 17, 1987

NFPA 801-1986, Facilities Handling Radioactive Materials—Jan 16, 1987

NFPA 802-1983, Nuclear Reactors—Jan 16, 1987

NFPA 907M-1983, Investigation of Fires of Electrical Origin—Jan 16, 1987

Proposed NFPA 914, Building Rehabilitation & Reuse—Jan 16, 1987

Proposed NFPA 1404, Self-Contained Breathing Apparatus in Training Exercises—Jan 16, 1987

[FR Doc. 86-19724 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-13-M

[Notice 1]

National Fire Codes; Request for Comments on NFPA Technical Committee Reports

AGENCY: National Bureau of Standards, DOC.

ACTION: Notice of request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At its Fall Meeting in November or its Annual Meeting in May, the NFPA acts on recommendations made by its technical committees.

The purpose of this notice is to request comments on the technical reports which will be presented at NFPA's 1987 Annual Meeting. The publication of this notice by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: The technical committee reports will be available for distribution on August 22, 1986. Comments received on or before November 7, 1986, will be considered by NFPA before final action is taken on the proposals.

ADDRESS: The 1987 Annual Technical Committee Reports is available from NFPA, Publications Department, Batterymarch Park, Quincy, Massachusetts 02269. (The single copy price is $5.00 to cover postage and handling.) Comments on the reports should be submitted to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Arthur E. Cote, P.E., Secretary, Standards Council, at above address, (617) 770-3000.

SUPPLEMENTARY INFORMATION:

Background

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal agencies as the basis for Federal regulations concerning fire safety. The NFPA standards are known collectively as the National Fire Codes. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 522(a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at

the Annual Meeting in May of each year. The NFPA invites public comment on its technical committee reports.

Request for Comments

Interested persons may participate in the revisions of these reports by submitting written data, views, or arguments to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Commentors may use the forms provided for comments in The 1987 Annual Technical Committee Reports. Each person submitting a comment should include his or her name and address, identify the document and give reasons for any recommendations. Comments received on or before November 7, 1986, will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as The Technical Committee Documentation by March 27, 1987, prior to the Annual Meeting.

A copy of The Technical Committee Documentation will be sent automatically to each commentor. Action by NFPA members on the technical committee reports (adoption or rejection) will be taken at the Annual Meeting, May 18–21, 1987, at the Cincinnati Convention Center, Cincinnati, Ohio.

Dated: August 25, 1986.

Raymond G. Kammer,

Acting Director, National Bureau of Standards.

1987 Annual Technical Committee Reports

The following Annual NFPA Technical Committee Reports are available for comments from NFPA:

NFPA 1	Fire Prevention Code	P
NFPA 12A	Halon 1301 Fire Extinguishing Systems.	P
NFPA 12B	Halon 1211 Fire Extinguishing Systems.	P
NFPA 22	Water Tanks for Private Fire Protection.	P
NFPA 24	Private Fire Service Mains & Their Appurtenances.	P
NFPA 30	Flammable and Combustible Liquids Code.	P
NFPA 30A	Automotive & Marine Service Station Code.	P
NFPA 70B	Electrical Equipment Maintenance.	P
NFPA 71	Central Station Signaling Systems.	P
NFPA 72E	Automatic Fire Detectors	P
NFPA 79	Electrical Equipment of Industrial Machinery.	P
NFPA 85A	Fuel Oil 7 Natural Gas-Fire Single Burner Boiler-Furnaces.	C
NFPA 85F	Pulverized Fuel Systems	C
NFPA 85G	Furnace Implosions in Multiple Burner Boiler-Furnaces.	C
NFPA 86C	Industrial Furnaces Using a Special Processing Atmosphere.	C
NFPA 96	Vapor Removal from Commercial Cooking Equipment.	P
NFPA 123	Underground Coal Mines	N
NFPA 231F	Storage of Rolled Paper	P
NFPA 403	Aircraft Rescue & Fire Fighting at Airports/Heliports.	C
NFPA 412	Foam Fire Fighting Equipment on Aircraft Rescue & Fire Fighting Vehicles.	C
NFPA 415	Aircraft Fueling Ramp Drainage.	P
NFPA 416	Construction and Protection of Airport Terminal Bldgs.	P
NFPA 419	Master Planning Airport Water Supply Systems for Fire Prot.	P
NFPA 421	Aircraft Industrial Fire Protection Systems.	W
NFPA 501A	Firesafety Criteria for Mobile Home Install Sites & Comm.	P
NFPA 502	Limited Access Hwys, Tunnels, Bridges, Ele Rwys, & A/R Stru.	P
NFPA 505	Powered Industrial Trucks	P
NFPA 664	Prev of Fires & Explo in Wood Proc & Woodworking Facilities.	P
NFPA 851	Hydroelectric Generating Plants.	N
NFPA 912	Places of Worship	N
NFPA 913	Protecting our Heritage	N
NFPA 1021	Fire Officer Professional Qualifications.	R
NFPA 1031	Professional Qualifications for Fire Inspector.	C
NFPA 1033	Fire Inspector & Investigator Professional Qualifications.	N
NFPA 1035	Professional Qualifications for Public Fire Educator.	N
NFPA 1041	Fire Service Instructor Professional Qualifications.	O
NFPA 1500	Fire Department Safety Programs.	N
NFPA 1501	Fire Department Safety Officer.	C
NFPA 1911	Testing Fire Department Pumpers.	N
NFPA 1921	Fire Department Portable Pumping Units.	R
NFPA 1972	Structural Fire Fighter Helmets.	P
NFPA 1974	Protective Footwear for Fire Fighters.	N
NFPA 1981	Self-Contained Breathing Apparatus for Fire Fighters.	C

Types of Action: C—Complete Revision; P—Partial Amendments; N—New; T—Tentative Adoption; R—Reconfirmation; W—Withdrawal.

[FR Doc. 86-19725 Filed 8-29-86; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; A. Rus Hoelzel

On April 2, 1986, notice was published in the **Federal Register** (51 FR 11334) that an application had been filed by A. Rus Hoelzel, P.O. Box 563, Friday Harbor, Washington 98250, to take by harassment and skin biopsy killer whales *(Orcinus orca)*. The Permit authorizes up to five skin biopsies in the first year of research.

The Permit includes the following Special Conditions:

The Permit Holder is required to coordinate/consult with the Northwest Region, National Marine Fisheries Service prior to the initiation of research activities each year.

The Permit Holder shall not make more than one attempt per day to dart a given animal.

The Permit Holder shall not dart an individual whale more than once nor make more than two attempts to dart any individual whale during the duration of the permit.

The Permit Holder shall suspend all research activities pending review and approval by the National Marine Fisheries Service for continuation of authorized activities if any of the following occur:

a. There is any uncertainty as to the health or survival of a previously darted whale.

b. A previously darted whale shows signs of being detrimentally affected by the authorized activity such as an infection in the darted area.

c. There is any uncertainty as to changes in social organization of any of the pods due to repeated approach or the darting of whales within such pods.

d. A non-targeted whale is struck with a dart.

e. A targeted whale is struck anywhere other than the dorsal mid-body region not including the dorsal fin.

The research activity shall be terminated immediately if it is determined by a NMFS designated observer that the activity is causing a substantial disruption to the pod(s) being sampled. If such termination occurs, the Permit Holder shall provide a detailed report to NMFS describing the circumstances and modifications that would be made to the research program

to prevent a reoccurence of such disruption. Upon receipt of the report, NMFS will determine if authorization should be given to continue the research activities and the Permit Holder shall be notified accordingly.

The Permit Holder shall submit by December 31 of each year the Permit is valid a report describing activities that have been conducted under the Permit including an assessment of any effects the research is having on the animals. The Holder must request authorization to continue research activities for each subsequent year. The continuation of research in subsequent years is subject to approval by the Assistant Administrator, in consultation with the Marine Mammal Commission, based upon review of the results of the previous year's activities.

Notice is hereby given that on August 22, 1986, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: August 22, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-19549 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Nutrition 21, having a place of business at San Diego, California, an exclusive right in the United States to manufacture, use, and sell products based on certain metal compounds of picolinic acid encompassed within the scope of the invention entitled "Dietary Supplementation with Essential Metal Picolinates," U.S. Patent 4,315,927. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Agriculture.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to Robert P. Auber, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Patent Licensing Specialist, Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 86-19703 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes to the Textile Category System; Correction

August 27, 1986.

On May 6, 1986 a notice was published in the **Federal Register** (51 FR 16734) which announced changes in the Textile Category System. In column two on page 16734 under the heading "Category and New TSUSA numbers effective July 1, 1986," lines 22, 26, 48 and 52, referring to textile products in Category 410, should be deleted.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-19749 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-DR-M

Extending Coverage of the Korean Export Visa Requirement to Include Textiles and Textile Products of Vegetable Fibers (Other than Cotton) and Silk Blends

August 28, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 2, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Governments of the United States and the Republic of Korea has agreed to extend coverage of the existing export visa requirement to include textiles and textile products of vegetable fibers, other than cotton, such as ramie, linen, jute, abaca, etc., and silk blends in Categories 800 through 899, produced or manufactured in Korea and exported to the United States. This coverage is in addition to the previously established coverage of cotton, wool and man-made fiber textiles and textile products. The visa itself and the official authorized by the Korean Government to issue visas are not being changed at this time. Accordingly, in the letter published below the Chairman of CITA directs the Commissioner of Customs, effective on September 2, 1986, to amend the directive of November 4, 1982 to extend coverage to the aforementioned products, exported on or after September 1, 1986. A listing of the new categories with brief descriptions of each is published as an enclosure to that letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on July 29, 1986.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 28, 1986.

Commission of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of November 4, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry and withdrawal from warehouse for consumption in the United States of cotton, wool and man-made fiber textile products, produced or manufactured in Korea for which the authorities in Korea has not issued an appropriate export visa.

Effective on September 2, 1986, the directive of November 4, 1982 is hereby further amended to require that textiles and textile products of vegetable fibers, other than cotton, such as ramie, linen, jute, abaca, etc., and silk blends in Categories 800 trough 899 also be visaed if exported from Korea on or after September 1, 1986. A listing of the new categories with brief descriptions of each is enclosed.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on July 29, 1986.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs

exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Brief Description	Silk blends and other veg. fibers
Non-MFA Apparel	
Gloves and mittens	831
Hosiery	832
M&B suit-type jackets	833
M&B other coats and jackets	834
W,G&I coats and jackets	835
Dresses	836
Knit shirts, blouses, and tops	838
Not knit shirts and blouses	840
Skirts	842
M&B suits	843
W,G&I suits	844
Sweaters of veg. fibers	845
Sweaters of silk	846
Trousers, slacks and shorts	847
Robes and dressing gowns	850
Pajamas and other nightwear	851
Underwear	852
Neckwear	858
Other apparel	859
Non-MFA non-apparal	
Yarn and thread	800
Fabrics	810
Towels	863
Luggage	870
Handbags and flatgoods	871
Other made-ups	899

[FR Doc. 86-19815 Filed 8-29-86; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Interagency Committee on Cigarette and Little Cigar Fire Safety; Technical Study Group Meeting; Change of Date

AGENCY: Interagency Committee on Cigarette and Little Cigar Fire Safety.

ACTION: Notice of meeting; change of date.

SUMMARY: The Technical Study Group on Cigarette and Little Cigar Fire Safety will meet on September 9, 1986, in Washington, DC to review the status of major projects undertaken to implement the Cigarette Safety Act of 1984.

DATE: The meeting will be on September 9, 1986, from 9:30 a.m. to 5:00 p.m.

ADDRESS: The meeting will be in Room 703-A of the Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Terri Buggs, Office of Program Management, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6554.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 18, 1986 (51 FR 29514) the Interagency Committee published a notice stating that this meeting would be on September 8 and 9, 1986. The meeting has been rescheduled for September 9, 1986, and will be for one day only.

Dated: August 26, 1986.

Colin B. Church,

Federal Employee Designated by the Interagency Committee on Cigarette Little Cigar Fire Safety.

[FR Doc. 86-19751 Filed 8-29-86; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial

ACTION: Notice of Proposed Amendments.

SUMMARY: The Department of Defense is considering recommending changes to the Manual for Courts-Martial, Exec. Order No. 12473, as amended by Exec. Order No. 12484. The proposed changes are part of the annual review required by the Manual for Courts-Martial and DoD Directive 5500.17, "Review of the Manual for Courts-Martial," January 23, 1985, and were developed from proposals previously made available for comment. *See* 51 FR 4530 (Feb. 5, 1986). One public comment on the subject of charges was received during that period; as a result of internal review, the amendments discussed in the comment were removed from the proposal and are pending further internal consideration.

The proposed changes reflected in this notice would amend the following Rules for Courts-Martial: R.C.M. 706(c)(1), Inquiry into the mental capacity or mental responsibility of the accused (Inquiry—By whom conducted); R.C.M. 916(e)(1), Self-defense (Homicide or aggravated assault cases); R.C.M. 1001, Presentencing procedure; R.C.M. 1010(c), Notice concerning post-trial and appellate rights; R.C.M. 1109, Vacation of suspension of sentence; R.C.M. 1112, Review by a judge advocate; R.C.M. 1114, Promulgating orders; R.C.M. 1201, Review by the Judge Advocate General; and R.C.M. 1305, Record of trial.

The proposed changes would amend Part III with respect to the following Military Rules of Evidence: Mil. R. Evid. 304, Confessions and Admissions; Mil. R. Evid. 613(a), Examining witness concerning prior statement; Mil. R. Evid. 902, Self-Authentication.

The amendments also include modifications to the following provisions of Part IV, Punitive Articles: Paragraph 4, Article 80—Attempts; Paragraph 32, Article 108—Military property of the United States—sale, loss, damage, destruction, or wrongful disposition; Paragraph 42, Article 117—Provoking speeches or gestures; Paragraph 46, Article 121—Larceny and wrongful appropriation; and Paragraph 89, Article 134 (Indecent language).

In addition to the foregoing, the proposed changes include other amendments to the Manual for Courts-Martial that will be required if pending legislation concerning the military justice system is enacted. *See* H.R. 2258, tit. VII, 99th Cong., 2d Sess. (July 25, 1986); S. 2638, tit. VIII, 99th Cong., 2d Sess. (July 8, 1986). The legislative proposals concern the defense of lack of mental responsibility, procedure for requesting enlisted membership on courts-martial, authority of reserve members to administer oaths, the staute of limitations, jurisdiction over reservists, time periods for post-trial submissions, and detail of judge advocates.

The proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon," May 21, 1964, and do not constitute the official position of the Department of Defense, The Military Departments, or any other government agency.

This notice is provided in accordance with DoD Directive 5500.17, "Review of the Manual for Courts-Martial; January 23, 1985. The September 21, 1986 deadline for comments has been established in the interest of the sound administration of military justice to ensure timely input and coordination of the proposed amendments in the context of pending legislation.

This notice is intended only to improve the internal management of the federal government. It is not intended to create any right of benefit, substantive or procedural, enforceable at law by a party against the United States; its agencies its officers, or any person.

ADDRESS: Copies of the proposed changes, and the accompanying Discussion and Analysis, may be examined at the Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall Street, Room 9S09, Alexandria, VA 22332-2400. A copy of the proposed changes and accompanying Discussion and Analysis may be obtained by mail upon request from the following address: Office of the Judge Advocate General (Code 20), ATTN: LCDR Don Welch, Department of the Navy, 200

Stovall Street, Room 9S09, Alexandria, VA 22332-2400.

DATE: Comments on the proposed changes must be received not later than September 21, 1986, for consideration by the Joint-Service Committee on Military Justice.

FOR FURTHER INFORMATION CONTACT: LCDR Don Welch, (202) 325-9890.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

August 27, 1986.

[FR Doc. 86-19747 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Executive Panel Advisory Committee; Role of the Naval Reserve in the Maritime Strategy Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Role of the Naval Reserve in the Maritime Strategy Task Force will meet September 22-23 1986, from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to examine or determine a strategic rationale for the employment of Reserve forces, the value of the Reserve to the total force, and the best way to develop Reserve resources. The entire agenda for the meeting will consist of discussions of key issues regarding changes in the strategic balance, the need for mobilization capability, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be keep secret in the interest of national defense and is, in fact, property classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Paul G. Butler, Executive Secretary of the CNO Executive Panel Advisory Committee; 4401 Ford Avenue, Room 928; Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: August 27, 1986.

Harold L. Stoller,

Commander, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.

[FR Doc. 86-19682 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

Environmental Impact Statement, North Carolina

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Acquisiton, Installation, and Operation of an Electronic Warfare Training System at Marine Corps Air Station (MCAS) Cherry Point BT-11 (Piney Island) Target Complex.

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Guidelines (40 CFR Part 1500), the Department of the Navy (DON), U.S. Marine Corps is preparing a DEIS for the establishment of the Mid-Atlantic Electronic Warfare Range (MAEWR) in airspace restricted area R-5306A (portions of Carteret, Pamlico, Craven, and Hyde Counties).

The purpose of the MAEWR is to provide a realistic means of improving the training of combat pilots in tactics and survival techniques in a "hostile" electronic environment., The MAEWR will be unique in that no weapons or missiles will be fired or bombs dropped; computers will be used to evaluate pilot and weapons systems performance.

As envisioned, the MAEWR will consist of three primary components: A Tactical Aircrew Combat Training System (TACTS), a Threat Emitter System (TES), and a Communications Data Link to connect the TACTS and TES with MCAS Cherry Point.

The TACTS system is a computer based data communication system and tracking network that provides real time control and monitoring of the flight dynamics and weapons system of an aircraft engaged in a training mission. The TACTS also records the events so that a debriefing of the aircrews can occur anytime after the mission. As planned, the Master TACTS Station will be located in the vicinity of Merimon, NC, with small remote stations located on some of the existing radio towers located within or adjacent to the restricted airspace.

The Threat Emitter System (TES) consists of devices that simulate the electronic signals of the defense systems that could be found protecting an enemy installation. Threat emitters will be arrayed in groups about BT-11/Piney Island, OLF Atlantic, and possibly on two or three locations in the private sector. The emitters on BT-11 will be placed on platforms above the marsh for emitter safety and security reasons.

The communications system will link the TACTS and TES data to MCAS Cherry Point. This will require construction of a tower approximately 340 feet tall, near Merrimon for a line-of-sight microwave link between BT-11 and the Air Station.

Initially, MAEWR users will consist of Marine aircraft and pilots from MCAS Cherry Point, NC and MCAS Beaufort, SC. As the range is completed, missions will be flown by squadrons from Naval Air Station (NAS) Oceana, and MCAS New River as well as from more distant active duty and reserve squadrons. All training will be at subsonic speeds.

The total procurement and installation program will cost slightly less than $100M over the next 7 to 10 years and upon completion will generate nearly fifty new jobs at MCAS Cherry Point.

Scoping for this DEIS was initiated on June 13, 1986 by a letter to potentially affected entities. The letter described the proposed action and requested formal imput which would identify environmental issues meriting in-depth analysis. The Marine Corps wishes to ensure all interested parties have the opportunity to focus the environmental analysis, and request comments be addressed to: Atlantic Division, Naval Facilities, Engineering Command, Norfolk, VA 23511-6287, Attn: Mr. C. Maguire (Code 2032E).

In order that comments be considered in a timely fashion, all scoping correspondence should be received not later than three (3) weeks after the publication date of this notice. When the DEIS is completed, a public notice of its availability will be made which will request review and comment by all interested parties. A Final Environmental Impact Statement (FEIS) will then be prepared to respond to the review comments.

Dated: August 27, 1986.

Harold L. Stoller, Jr.,

Commander, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 86-19683 Filed 8-29-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Assessment of Vocational Education Conference

The Department of Education will conduct a Design Conference for the National Assessment of Vocational Education Programs, which is required by section 403 of the Carl D. Perkins Vocational Education Act, 20 U.S.C.

2403. The purpose of the conference is to discuss the issues in vocational education that should be included in the National Assessment.

Presentations will be made by individuals who have been commissioned to present issue papers on the nine topical areas identified in the Act. Results from the conference will be considered by the Department in designing a series of procurements over the next two years to complete the National Assessment. The Department will submit final reports on the assessment to the Congress in January 1989.

Location of the Conference: Dupont Plaza Hotel, Dupont Circle, Washington, DC.

DATES: September 11 and 12, 1986.

FOR FURTHER INFORMATION CONTACT: John Wirt, Director, National Assessment of Vocational Education, Office of Planning, Budget, and Evaluation, 400 Maryland Ave., SW., (Rm. 3137, FOB-6), Washington, DC 20202. Telephone: (202) 245-8281.

Dated: August 26, 1986.

Bruce Carnes,

Deputy Under Secretary for Planning, Budget and Evaluation.

[FR Doc. 86-19670 Filed 8-29-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council

Date: October 9, 1986—9:00 a.m.

Place: Madison Hotel, Dolley Madison Ballroom, Fifteenth and M Streets, NW., Washington, DC

Contact: Patricia B. Dickinson, U.S. Department of Energy, Office of Oil, Gas, Shale and Coal Liquids, Mail Stop—FE-30, GTN, Washington, DC 20545, Telephone: 301-353-2430

Purpose: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda

—Call to Order by Ralph E. Bailey, Chairman, National Petroleum Council.

—Remarks by the Honorable John S. Herrington, Secretary of Energy.

—Reports of Study Committees of the National Petroleum Council.

• Proposed Final Report of the Committee on U.S. Petroleum Refining, John K. McKinley, Chairman.

• Proposed Interim Report of the Committee on U.S. Oil & Gas Outlook, James L. Ketelsen, Chairman.

—Consideration of Administrative Matters.

—Discussion of Any Other Business Properly Brought Before the National Petroleum Council.

—Public comment (10 minute rule).

—Adjournment.

Public Participation

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contract Patricia B. Dickinson at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4.00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on August 26, 1986.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 86-19672 Filed 8-29-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 9647-000, 4900-001, 6281-000, 8391-001, 9842-000]

Availability of Environmental Assessment and Finding of No Significant Impact.

Walter H., Patricia, L., Harry V. and Dorothy L. Hammeken, Lawrence R. Taft, Frontier Land & Power, Incorporated, Prodek, Inc., Ray F. Ward August 28, 1986.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (of exemptions) listed below and has assessed the environmental impacts of the proposed developments.

Project No.	Project name.	State	Water body	Nearest town or county	Applicant
9647-000	Hammeken's Hydro	CA	Potter Valley Project (FERC No. 77) tailrace canal.	Potter Valley	Walter H., Patricia, L., Harry V. and Dorthy L. Hammeken.
			Licenses		
4900-001	Forestport	NY	Black River	Forestport	Lawrence R. Taft.
6281-000	Five Bears	CA	Ward Creek	Genessee	Frontier Land & Power, Inc.
8391-001	Silver Jack Dam	CO	Cimarron River	Montrose	Prodek, Inc.
9842-000	Ward Mill Dam	NC	Watauga River	Boone	Ray F. Ward.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared. Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE.,

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-19735 Filed 8-29-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8734-002]

Burlington Energy Development Assoc. Surrender of Preliminary Permit

August 22, 1986.

Take notice that Burlington Energy Development Associates, Permittee for the proposed North Chuctanunda Project No. 8743, has requested that its preliminary permit be terminated. The preliminary permit was issued on June 10, 1985, and would have expired May 31, 1988. The project would have been located on the North Chuctanunda Creek in Montgomery County, New York.

The Permittee filed the request on June 30, 1986, and the preliminary permit for Project No. 8743 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall reman in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-19736 Filed 8-29-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM85-1-000]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Howell Petroleum Corp.); Order Granting Rehearing For Further Consideration

Issued: August 26, 1986.

Before Commissioners Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Howell Petroleum Corporation has filed a request for reconsideration in the above-captioned docket.[1] Rehearing of the order denying waiver issued on July 22, 1986, in *Howell Petroleum Corporation,* is granted solely for the purpose of affording the Commission additional time to consider the request for rehearing. Pursuant to Rule 713(b) of the Commission's Procedural Rules, no answer to this order, or the request for rehearing, will be entertained.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 86-19698 Filed 8-29-86; 8:45 am]

BILLING CODE 6717-01-M

[1] Howell's request for reconsideration will be treated as a request for rehearing.

[Docket No. RP86-124-001]

Alabama-Tennessee Natural Gas Co.; Proposed Tariff Changes

August 26, 1986.

Take notice that on August 21, 1986, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the tariff sheets listed below. According to § 381.103(b)(2)(iii), of the Commission's regulations (18 CFR 318.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until August 22, 1986.

First Revised Sheet No. 6
First Revised Sheet No. 12
Second First Revised Sheet No. 13
Substitute First Revised Sheet No. 16
Substitute Second Revised Sheet No. 17
Substitute First Revised Sheet No. 18
Substitute First Revised Sheet No. 19
Substitute First Revised Sheet No. 20
Substitute Original Sheet No. 20-A
Substitute Original Sheet No. 20-B

These tariff sheets are proposed to become effective July 1, 1986. Alabama-Tennessee states that the purpose of this filing is to replace Rate Schedule T-1 filed on June 2, 1986 in Docket No. TA86-3-1-000, *et al.* According to Alabama-Tennessee, Substitute First Revised Tariff Sheet No. 16 to Substitute Original Sheet No. 20-B contain the revised Rate Schedule T-1, which is designed to conform to the Commission's Regulations, especially § 284.7(b)(2). Alabama-Tennessee further states that certain language contained in that rate schedule which might limit its applicability has been eliminated or modified.

Finally, Alabama-Tennessee is proposing in First Revised Sheet No. 6, First Revised Sheet No. 12 and Second Revised Sheet No. 13 to revise its Rate Schedule SG-1 to apply to any customer who receives not more than 2,500 Mcf of natural gas on any day. According to Alabama-Tennessee, the present limit of that rate schedule is 1500 Mcf per day.

Alabama-Tennessee has requested any necessary waivers of the Commission's Regulations in order to permit the tariff sheets to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of practice and procedure. (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before September 3, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-19737 Filed 8-29-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI86-688-000 and CI86-689-000]

Sea Robin Pipeline Co.; Applications For Abandonment Authorization

August 27, 1986.

Take notice that on August 20, 1986, Sea Robin Pipeline Company (Applicant), 600 Travis—P.O. Box 1478, Houston, Texas, filed in Docket No. CI86-688-000 an application on behalf of Pogo Producing Company (Pogo) and in Docket No. CI86-689-000 an application on behalf of Pennzoil Producing Company (Pennzoil) pursuant to section 7(b) of the Natural Gas Act and § 2.77 of the Rules of the Federal Energy Regulatory Commission for expedited abandonment of sales under certain expired gas purchase contracts between Applicant and Pogo and between Applicant and Pennzoil, all as more fully set forth in the applications on file with the Commission and open to public inspection.

The location, docket number, contract date, rate schedule, and applicable price categories under each of the expired contracts between Applicant and Pogo are:

Location of sale	Authorized in docket No.	Contract date	Rate schedule No.	Applicable prices
West Cameron block 532	CI76-649	July 16, 1976	9	§ 104 Post-1974.
West Cameron block 533	CI76-647	....do	8	§ 104 Post-1974; § 102(d).
South Marsh Island block 125	CI77-609	June 15, 1977	19	§ 104 Post-1974; § 102(d).
South Marsh Island block 127	CI77-610	....do	20	§ 104 Post-1974.
Eugene Island block 312	CI78-936	July 7, 1977	33	§ 104 73-74 Biennium; § 104 Post-1974.

Location of sale	Authorized in docket No.	Contract date	Rate schedule No.	Applicable prices
Eugene Island block 333	CI78-937	....do	34	§ 104 73-74 Biennium; § 104 Post-1974.
West Cameron block 563	CI78-934	....do	31	§ 104 Post-1974; § 102(d).

The location, docket number, contract date, rate schedule, and applicable price categories under each of the expired contracts between Applicant and Pennzoil are;

Location of sale	Authorized in docket no.	Contract date	Rate schedule No.	Applicable prices
West Cameron block 532 [1]	CI76-90	7/16/76	9	§ 104 Post-1974.
West Cameron block 533 [1]	CI78-88	....do	8	§ 104 Post-1974; § 102(d).
East Cameron block 334 [1]	CI78-91	6/17/76	12	§ 104 Post-1974; § 102(d).
East Cameron block 335 [1]	CI78-89	....do	11	§ 104 Post-1974; § 102(d).
South Marsh Island block 128 [1]	CI78-92	7/02/76	13	§ 104 Post-1974; § 102(d).
South Marsh Island block 128	CI77-288	1/7/76	313	§ 104 Post-1974; § 102(d).
South Marsh Island block 125	CI78-94	6/15/77	19	§ 104 Post-1974; § 102(d).
South Marsh Island block 125	CI77-612	....do	315	§ 104 Post-1974; § 102(d).
South Marsh Island block 127 [1]	CI78-95	....do	20	§ 104 Post-1974; § 102(d).
South Marsh Island block 127	CI77-611	....do	314	§ 104 Post-1974; § 102(d).
Eugene Island blocks 312, 333, 261, 262	CI77-702	7/7/77	325	§ 104 Post-1974; § 102(d).
Eugene Island block 333	CI77-702	....do	326	§ 104 Post-1974; § 102(d).
West Cameron block 609	CI77-702	....do	321	§ 104 Post-1974; § 102(d).
West Cameron block 617	CI77-702	....do	322	§ 104 73-74 Biennium; § 104 Post-1974; § 102(d).

[1] These sales were originally between Pennzoil Oil & Gas Inc. and Applicant. On August 13, 1985, Pennzoil Producing Co. filed in Docket Nos. C178-80, *et al.* a Notice of Merger and Request for Redesignation of Rate Schedules requesting authoriztion to continue sales Pennzoil Oil & Gas Inc. had made under thse contracts.

Applicant states that Pogo and Pennzoil have refused to seek abandonment or to renegotiate these contracts, and have rejected Applicant's offer to release and transport these volumes to alternate markets. Applicant state further that despite the contracts' expiration, Pogo and Pennzoil have continued to demand performance from Applicant under a unique clause that provides that once the contract has terminated, Pogo and Pennzoil have no contractual obligations to Applicant, but "shall be entitled to enforce each and every provision of this Contract against" Applicant until Pogo and Pennzoil "shall become entitled in accordance with all applicable laws, rules, regulations and orders to cease once and for all making deliveries to" Applicant. Applicant, asserts that the contract provisions reflect Pogo's and Pennzoil's implied duty to seek abandonment, but that Pogo and Pennzoil have shown that they have no intention of meeting that obligation.

Applicant contends that the contracts sought to be abandoned contain terms (such as an 85 percent minimum annual take requirement with ratable take provisions and a price provision that sets the rate at the Natural Gas Policy Act maximum ceiling price with no market out provisions) that would not be tolerated in today's competitive natural gas markets, but that survive only because of Pogo's and Pennzoil's manipulation of the regulatory process. Applicant states that minimum annual takes at 85 percent of the deliverability of gas-well gas and 100 percent of the oil well gas under the expired contracts herein amount to approximately 32,200 Mcf/d. Applicant further states that Pogo's gas has a weighted average cost almost $.30/MMBtu higher than Applicant's weighted average cost of gas, and Pennzoil's gas has a weighted average cost approximately $.78/MMBtu higher than Applicant's. Applicant asserts that the abandonment sought in this application is consistent with the Commission's recent orders encouraging abandonments as a means of serving the public convenience and necessity in (1) benefiting national natural gas markets by permitting the free flow of competitively priced gas; (2) benefiting producers with effective contracts by alleviating shut-ins of natural gas and generating additional cash flow; and (3) benefiting pipelines by reducing take-or-pay exposure to the extent that gas can be released and sold to alternate markets.

Applicant further states that denial of abandonment of the expired contracts would result in (1) artificial infusion of unrealistically high volumes of high priced gas under expired contracts into national gas markets; (2) near monopolization of Applicant's limited purchase capacity by producers with expired contracts, to the detriment of other producers with currently effective contracts covering gas such as reservoir damage gas that ordinarily would be accorded a higher priority in Applicant's nominations; (3) frustration of Applicant's efforts to become an Order 436 transporter, indifferent to the merchant function; (4) unnecessary escalation of Applicant's already considerable take-or-pay exposure; and (5) abdiction of the Commission's responsibilities over Section 7 certificates in favor of parties who seek, in a period of transition toward deregulation, to manipulate the regulatory process into a shield against market-based competition.

Any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-19738 Filed 8-29-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59224A; FRL-3072-4]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of applications for test marketing exemptions (TMEs) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-86-51 and TME-86-52. The test marketing conditions are described below.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTRACT: H. Dayton Eckerson, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613C, 401 M

St. SW., Washington, DC 20460, (202-475-8994).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commece, use and disposal of the substances for test marketing purposes will not present any unresonable risk of injury to health or the environment. EPA may impose restriction on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-86-51 and TME-86-52. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes must not exceed those specified in the applications. All other conditions and restrictions described in the applications and in this notice must be met.

The following additional restrictions apply to TME-86-51 and TME-86-52. A bill of lading accompaning each shipment must state that use of the substances is restricted to that approved in the TMEs. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substances produced.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substances.

T 86-51

Date of Receipt: July 9, 1986.
Notice of Receipt: July 21, 1986 (51 FR 21687).
Applicant: Confidential.
Chemical: (G) Anionic substituted aromatic.
Use: (G) Fibers finish component.
Production Volume: Confidential.
Number of Customers: Confidential.
Worker Exposure: Confidential
Test Marketing Period: Six months.
Commencing on: August 20, 1986.
Risk Assessment: EPA identified no significant concerns for injury to human health or the environment. Therefore, the test market substance will not present any unreasonable risk of injury to human health or the environment.
Public Comments: None.

T 86-52

Date of Receipt: July 9, 1986.
Notice of Receipt: July 21, 1986 (51 FR 21687).
Applicant: Confidential.
Chemical: (G) Anionic substituted aromatic.
Use: (G) Fibers finish component.
Production Volume: Confidential.
Number of Customers: Confidential.
Worker Exposure: Confidential.
Test Marketing Period: Six months.
Commencing on: August 20, 1986.
Risk Assessment: EPA identified no significant concerns for injury to human health or the environment. Therefore, the test market substance will not present any unreasonable risk of injury to human health or the environment.
Public Comments: None
Commencing on: August 20, 1986
The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: August 20, 1986.

Martin Halper,

Acting Office Director, Office of Textile Substances.

[FR Doc. 86-19715 Filed 8-29-86; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59782; FRL-3073-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of three such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86-224 and 86-225, September 8, 1986
Y 86-226, September 9, 1986

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-224

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Binder in coating. Prod. range: 116,883 to 233,766 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-225

Importer. BASF Engineering Plastics.
Chemical. (S) Ethene polymer with 2-propenoic acid, 1,1-dimethylethyl ester and 2-propenoic acid.
Use/Production. (S) Site-limited and industrial use as a coating to protect metal products such as aluminum, steel and copper, also used as an adhesive in lamination examples are laminating aluminum, sheeting, paper or nylon film to polyethylene.
Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-226

Manufacturer. Emery Chemicals.
Chemical. (S) Adipic and terephthalic acid polymers with neopentyl glycol, ethylene glycol and isodecyl alcohol.

Use/Production. Industrial plasticizer for polyvinyl chloride resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to 4 hrs/da, up to 25 da/yr.

Environmental Release/Disposal. Disposal by publicly owned treatment work (POTW).

Dated: August 22, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86-19716 Filed 8-29-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51638; FRL-3072-9]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of forty-two such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-1539, 86-1540, 86-1541, and 86-1542; November 13, 1986.

P 86-1543, 86-1544, 86-1545, 86-1546, 86-1547, 86-1548, 86-1549, 86-1550, 86-1551, 86-1552, 86-1553, 86-1554, 86-1555, 86-1556, 86-1557, 86-1558, and 86-1559; November 16, 1986.

P 86-1560, 86-1561, 86-1562, 86-1563, 86-1564, 86-1565, 86-1566, and 86-1567; November 17, 1986.

P 86-1568, 86-1569, 86-1570, 86-1571, 86-1572, and 86-1573; November 18, 1986.

P 86-1574; November 19, 1986.

P 86-1575, and 86-1576; October 29, 1986.

P 86-1577; November 19, 1986.

P 86-1580, 86-1581, and 86-1582; October 29, 1986.

Written comments by:

P 86-1539 86-1540, 86-1541, and 86-1542; October 14, 1986.

P 86-1543, 86-1544, 86-1545, 86-1546, 86-1547, 86-1548, 86-1549, 86-1550, 86-1551, 86-1552, 86-1553, 86-1554, 86-1555, 86-1556, 86-1557, 86-1558, and 86-1559; October 17, 1986.

P 86-1560, 86-1561, 86-1562, 86-1563, 86-1564, 86-1565, 86-1566, and 86-1567; October 18, 1986.

P 86-1568, 86-1569, 86-1570, 86-1571, 86-1572, and 86-1573; October 19, 1986.

P 86-1574; October 20, 1986.

P 86-1575 and 86-1576; September 30, 1986.

P 86-1577; October 20, 1986.

P 86-1580, 86-1581 and 86-1582; September 30, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51638]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-1539

Manufacturer. Confidential.

Chemical. (G) Silicon substituted organic amine.

Use/Production. (S) Industrial intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 1.0 gm/kg; Irritation: Skin—Severe, Eye—Severe; Ames test: Non-mutagenic.

Exposure. Processing: dermal, a total of 3 workers, up to 4 hrs/da, up to 25 day/yr.

Environmental Release/Disposal. Less than 1 to 5 kg/batch incinerated.

P 86-1540

Manufacturer. Confidential.

Chemical. (G) Poly-epsilon-caprolactonediol derivative of an alkyl diol, polymer with methylene bis (isocyanatobenzene), aromatic initiated (alkylene ether) glycol and alkanol.

Use/Production. (G) Reactive elastomer. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1541

Manufacturer. Confidential.

Chemical. (G) Prepolymer of sulfurated prepolymer.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1542

Importer. Naarden International U.S.A.

Chemical. (S) 3-Methyl-2-(2-propenyl)-phenol, 5-methyl-2-(2 propenyl)-phenol.

Use/Import. (S) Industrial fragrance ingredients in plastics, soaps, and cosmetics. Import range: Confidential.

Toxicity Data. Acute oral: >1.029 ml/kg; Irritation: Skin—Severe, Eye—Moderate to severe; Ames test: Weak mutagen.

Exposure. Processing: dermal, a total of 25 workers, up to 2 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. Minimal release to air.

P 86-1543

Importer. Shin-Etsu Silicones of America, Inc.

Chemical. (S) Polysilicate, dimethylvinylsiloxy, trimethylsiloxy-.

Use/Import. (S) Ingredient for rubber compound. Import range: 800 to 1,500 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86-1544

Importer. Confidential.

Chemical. (G) Disubstituted-heterocycle, inorganic salt.

Use/Import. (S) Industrial colorant for textiles. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 gm/kg; Irritation: Skin—Non-itritant, Eye—Irritant.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1545

Manufacturer. Confidential.

Chemical. (G) Stryenated acrylate methacrylate.

Use/Production. (G) Industrial polymer having a dispersive use. Prod. range: 100,000 to 601,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 31 workers, up to 8 hrs/da, up to 116 da/yr.

Environmental Release/Disposal. 9 to 140 kg/batch released to land. Disposal by approved landfill.

P 86-1546

Manufacturer. Confidential.
Chemical. (G) Aliphatic alicyclic acid.
Use/Production. (G) Industrial dispersively used coating. Prod. range: 30,000 to 200,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 30 workers, up to 8 hrs/da, up to 66 da/yr.
Environmental Release/Disposal. 3 to 140 kg/batch released to land. Disposal by approved landfill.

P 86-1547

Manufacturer. The Dow Chemical Company.
Chemical. (G) Thermoplastic Polyurethane polymer.
Use/Production. (S) Industrial injection molding of polyurethane articles. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P-86-1548

Manufacturer. The Dow Chemical Company.
Chemical. (G) Polyesteramide polymer.
Use/Production. (G) Industrial injection molding of articles. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P-86-1549

Manufacturer. The Dow Chemical Company.
Chemical. (G) Carboxylic terminated polyester prepolymer.
Use/Production. (S) Site-limited and industrial intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P-86-1550

Manufacturer. The Dow Chemical Company.
Chemical. (G) Polyester amide.
Use/Production. (S) Industrial extrusion and injection molding of articles. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P-86-1551

Manufacturer. The Dow Chemical Company.
Chemical. (G) Polyesteramide polymer.
Use/Production. (G) Industrial extrusion and injection molding of articles. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P-86-1552

Manufacturer. The Dow Chemical Company.
Chemical. (G) Alpha, alpha'-bis (methylphenyl)-1,3 benzenediethanol.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by publicly owned treatment work (POTW) and navigable waterway.

P-86-1553

Manufacturer. The Dow Chemical Company.
Chemical. (G) Carboxylic terminated polyester prepolymer.
Use/Production. (S) Site-limited and industrial intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P-86-1554

Importer. Confidential.
Chemcial. (G) Acrylic polymer.
Use/Import. (G) Protective and decorative coatings. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No. release.

P-86-1555

Importer. Confidential.
Chemical. (G) Acrylic polymer.
Use/Import. (G) Metal coatings. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P-86-1556

Importer. Confidential.
Chemical. (G) Isocyanate, hydroxy-terminated linear polyester-diol, alkyldiol piperazine polymer.
Use/Import. (S) Industrial and consumer color fixing agent for leather. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P-86-1557

Importer. Confidential.
Chemical Oxepanone polymer with polyalkoxy compound, trifunctional polyol, substituted propanoic acid, a diamine and a diisocyanate.
Use/Import. (S) Industrial and consumer color fixing agent for leather. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-1558

Manufacturer. Confidential.
Chemical. (G) Diethylenetriamine, polymer with an alkyl diacid and a monocyclic acid anhydride.
Use/Production. (S) Site-limited intermediate prepolymer for further use in production of polymers. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. 25 kg/batch released to water. Disposal by POTW.

P 86-1559

Manufacturer. Confidential.
Chemical. (G) Diethylenetriamine, polymer with an alkyl diacid, a monocyclic anhydride and a quaternized substituted alkyl diamine.
Use/Production. (G) Industrial and consumer used in inks in open, non-dispersive uses. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. 25 kg/batch released to water. Disposal by POTW

P 86-1560

Manufacturer. Confidential.
Chemical. (G) Sorbitan ester.
Use/Production. (S) Chemical intermediate, surfactant. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1561

Manufacturer. Confidential.
Chemical. (G) Polyoxyethylene sorbitan ester.
Use/Production. (S) Surfactant. Prod. range: Confidential
Toxicity Data. No data submitted.

Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1562

Manufacturer. Confidential.
Chemical. (G) Acyclic acid, bicycloheptane diester with 2,2'-[isopropylidenebis(p-phenyleneoxy) diethanol.
Use/Production. (G) Open, non-dispersive use, Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. 0.1 to 2 kg/batch released to land. Disposal by approved landfill.

P 86-1563

Importer. Confidential.
Chemical. (G) Diphenol diester.
Use/Import. (G) Industrial contained use of PMN substance for polymer formulation. Import range: Confidential.
Toxicity Data. Acute oral: >5.0 gm/kg; Irritation: Skin—Mild, Eye—Mild; Ames test: Non-mutagenic.
Exposure. Processing: dermal, a total of 36 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. 0.01 to 0.02 kg/day released to air, water, and land. Disposal by licensed disposal company and incineration or approved landfill.

P 86-1564

Manufacturer. Confidential.
Chemical. (G) Functional styrenated methacrylate acrylate.
Use/Production. (G) Industrial polymer having dispersive use. Prod. range: 50,000 to 100,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 31 workers, up to 8 hrs/da, up to 13 da/yr.
Environmental Release/Disposal. 4 to 167 kg/batch released to land. Disposal by approved landfill.

P 86-1565

Manufacturer. Owens-Corning Fiberglass.
Chemical. (G) Aromatic polymer.
Use/Production. (S) Industrial resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1566

Manufacturer. Owens-Corning Fiberglass.
Chemical. (G) Reactive epoxy film former.
Use/Production. (G) Size ingredient. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1567

Manufacturer. Confidential.
Chemical. (G) U.V. curable polyurethane.
Use/Production. (G) Floor-tile coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1568

Manufacturer. Confidential.
Chemical. (G) Polyester polyurethane.
Use/Production. (G) Used in preparation of coating. Prod. range: 40,000 to 250,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 44 workers, up to 8 hrs/da, up to 47 da/yr.
Environmental Release/Disposal. 2 to 325 kg/day released to land. Disposal by approved landfill.

P 86-1569

Manufacturer. Spencer Kellogg Products/NL Industries, Inc.
Chemical. (G) Polyurethane lacquer.
Use/Production. (G) Used in an open, non-dispersive manner. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-1570

Importer. Shin-Estu Silicones of America, Inc.
Manufacturer.
Chemical. (G) Polysilicate, trimethylsiloxy-.
Use/Import. (G) Industrial ingredient for silicone adhesive.
Import range: 3,000 to 6,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-1571

Manufacturer. Confidential.
Chemical. (G) Alkylalkoxysilane.
Use/Production. (G) Industrial additive for polymerization catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 4 workers, up to .50 hr/da, up to 17 da/yr.
Environmental Release/Disposal. 1 to 2.2 kg/batch released to land. Disposal by Resource Conversation and Recovery Act (RCRA).

P 86-1572

Manufacturer. Confidential.
Chemical. (G) Alkylalkoxysilane.
Use/Production. (G) Industrial additive for polymerization catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 0.5 hr/da, up to 17 da/yr.
Environmental Release/Disposal. 1 to 2.2 kg/day released to land. Disposal by the RCRA.

P 86-1573

Manufacturer. Confidential.
Chemical. (G) Polyester polyurethane.
Use/Production. (G) Used in coating preparations. Prod. range: 40,000 to 251,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 47 workers, up to 8 hrs/da, up to 47 da/yr.
Environmental Release/Disposal. 1 to 325 kg/batch released to land. Disposal by approved landfill.

P 86-1574

Manufacturer. Confidential.
Chemical. (G) Complex dioic acid.
Use/Production. (G) Dispersively used industrial coating. Prod. range: 50,000 to 300,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 31 workers, up to 8 hrs/da, up to 124 da/yr.
Environmental Release/Disposal. 3 to 118 kg/batch released to land. Disposal by approved landfill.

P 86-1575

Importer. Confidential.
Chemical. (G) Thixotropic alkyd resin.
Use/Import. (S) Used as a modifier in long oil alkyds to improve flow. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1576

Importer. Confidential.
Chemical. (G) Alkyd resin.
Use/Import. (S) Used to form protective primer coatings. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure Confidential.
Environmental Release/Disposal. Confidential.

P 86-1577

Manufacturer. Confidential.
Chemical. (G) Modified, maleated metal resinate.

Use/Production. (S) Publication gravure printing inks. Prod. range: Confidential.

Toxicity Data. No data on PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1580

Importer. Confidential.

Chemical. (G) Alkyd resin.

Use/Import. (S) Used in industrial primer applications, it affords fast dry, hardness and chemical resistance when blended with conventional primer systems. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal Confidential.

P 86-1581

Importer. Confidential.

Chemical. (G) Alkyd resin.

Use/Import. (S) Used in industrial primer applications, it affords fast dry, hardness and chemical resistance when blended with conventional primer systems. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1582

Importer. Confidential.

Chemical. (G) Alkyd resin.

Use/Import. (S) Used in industrial primer applications it affords fast dry, hardness and chemical resistance when blended with conventional primer systems. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: August 25, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86-19717 Filed 8-29-86; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL-3072-8]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Decision

AGENCY: Environmental Protection Agency.

ACTION: Notice of waiver of Federal preemption.

SUMMARY: EPA is granting California a waiver of Federal preemption pursuant pursuant to section 209(b) of the Clean Air Act to adopt and enforce amendments to its emission standards and enforcement procedures for the certification of new modified imported vehicles. California amended its emission standards and enforcement procedures to permit certification for new imported nonconforming vehicles. Previously, California had prohibited the sale of registration of new nonconforming vehicles. The new "modifier certification procedures" require the modified vehicles to meet emission standards as well as durability, driveability and configuration control requirements. Modifiers are required to warrant emission controls, provide a network of service facilities for warranty repairs and demonstrate financial responsibility. The new procedures also provide for defect reporting, dealership inspections and in-use testing.

ADDRESSES: A copy of the above standards and procedures, the decision document containing an explanation of the Administrator's determination and the record of those documents used in arriving at this decision, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the U.S. Environmental Protection Agency, Central Docket Room (Docket EN-86-15), West Tower Lobby, 401 M Street, SW., Washington, DC 20460. Copies of the decision document can be obtained from EPA's Manufacturers Operations Division by contacting Steven M. Spiegel, as noted below.

FOR FURTHER INFORMATION CONTACT: Steven M. Spiegel, Attorney/Advisor, Manufacturers Operations Division (EN-340F), U.S. Environmental Protection Agency, Washngton, DC 20460. Telephone: (202) 382-2526.

SUPPLEMENTARY INFORMATION: I have decided to grant California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act, as amended (Act), 42 U.S.C. 754(b) (1982), for recent regulatory amendments to its emission standards and enforcement procedures for "California Certification and Compliance Test Procedures for New Modifier Certified Motor Vehicles" (modifier certification procedures).

Section 209(b) of the Act provides that if certain criteria are met, the Administrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. The criteria include consideration of: whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards; whether California does not need the State standards to meet compelling and extraordinary conditions; and whether California's amendments are consistent with section 202(a) of the Act.

CARB determined that these amended standards and accompanying enforcement procedures do not undermine California's prior determinations that the state standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards. No commenters presented evidence that California arbitrarily and capriciously reached this determination. I agree with California's determination, and thus, I cannot find California's determination to be arbitrary and capricious.

CARB has consistently demonstrated the existence of compelling and extraordinary conditions justifying the need for its own motor vehicle pollution control program, which includes the subject standards and procedures. No information has been submitted to demonstate that California no longer has a compelling and extraordinary need for its own program. Therefore, I agree that California continues to have compelling and extraordinary conditions which require its own program, and, thus, I cannot deny the waiver on the basis of the lack of compelling and extraordinary conditions.

CARB has submitted information that the requirements of its emissions standards and test procedures are technologically feasible and present no inconsistency with Federal certification requirements and are, therefore, consistent with section 202(a) of the Act. No commenter submitted sufficient data or other information to satisfy its burden of persuading EPA that the standards are not technologically feasible within available lead time, considering costs, or that California's certification procedures are inconsistent with the Federal certification procedures. Thus, I cannot find that California'a amendments will be inconsistent with section 202(a) of the Act. Accordingly, I must grant the waiver requested by California.

My decision will affect not only persons in California but also the modifier-importers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability. Accordingly, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of

publication. Under section 307(b)(2) of the Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings, if any, brought by EPA to enforce these requirements.

This action is not a rule as defined by Executive Order 12291. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Additionally a regulatory Impact Analysis is not being prepared under Executive Order 12291, for this waiver determination since it is not a rule.

This action also is not a "rule"as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: August 26, 1986.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86-19712 Filed 8-29-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59228; FRL-3073-2]

Lignosulfinic Acid, Triethanolamine Salt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: September 17, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59228]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division, (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-57

Close of Review Period. October 1, 1986.

Manufacturer. Westvaco Corporation.

Chemical. (S) Lignosulfonic acid, triethanolamine salt.

Use/Production. (G) Dispersant for agricultural products, dyestuffs and colorants. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: August 22, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86-19714 Filed 8-29-86; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-3072-5]

Science Advisory Board; Radiation Advisory Committee; Drinking Water Subcommittee; Open Meeting—September 25-26, 1986

Under Pub. L. 92-463, notice is hereby given that a meeting of the Drinking Water Subcommittee of the Science Advisory Board's Radiation Advisory Committee will be held on September 25-26, 1986 at the U.S. Environmental Protection Agency, South Conference Area Room #6 on Thursday, and #12 on Friday. The Conference Area is located on the Ground Floor, near the EPA Washington Information Center, Waterside Mall, 401 M Street, SW, Washington, DC. The meeting will begin at 8:30 a.m. on Thursday and adjourn no later than 5:00 p.m. Friday. The Subcommittee will review the Office of Drinking Water's *Radionuclides in Drinking Water* and four supporting documents. Copies of the documents being reviewed may be obtained by calling or writing Dr. Joseph Cotruvo (202) 382-7575 at the Office of Drinking Water, WH-550D, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The meeting is open to the public; however, seating is limited. Any member of the public wishing to attend or obtain information should contact Mrs. Kathleen Conway, Executive Secretary, or Mrs. Dorothy Clark, Staff Secretary, (A101-F) Radiation Advisory Committee, Science Advisory Board, by the close of business on September 22, 1986. The telephone number is (202) 382-2552.

Dated: August 21, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-19713 Filed 8-29-86; 8:45 am

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

New TV Stations; Applications for Consolidated Hearing; Jacksonville Broadcasting Co. and James Capers, Jr.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant and city/State	File No.	MM Docket No.
A. Sidney Popkin d/b/a Jacksonville Broadcasting Company, Jacksonville, NC.	BPCT-860304KE.	86-344
B. James Capers, Jr., Jacksonville, NC.	BPCT-860422KG.	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
Air hazard	B
Comparative	A, B
Ultimate	A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text

of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Stephen F. Sewell,

Assistant Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 86-19505 Filed 8-29-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Extramural Research Support Programs

AGENCY: National Institute of Mental Health.

ACTION: Issuance of notice of the revision of the program announcement on Extramural Research Support Programs.

SUMMARY: The National Institute of Mental Health announces the availability of a revised Extramural Research Programs announcement, MH-86-18. This announcement reflects changes in programs resulting from the recent reorganization of the Institute. It also contains the new schedule for the review of applications and an updated list of contact persons for the ongoing extramural research programs.

FOR FURTHER INFORMATION CONTACT: Anne W. Cooley, Extramural Policy Branch, Division of Extramural Activities, National Institute of Mental Health, Parklawn Building, Room 9-95, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-4673.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 86-19667 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 86F-0341]

Dow Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-carbon monoxide copolymers as components of food-packaging materials.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3948) has been filed by The Dow Chemical Co., 1803 Building, Door 7, Midland, MI 48674, proposing that Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for the safe use of ethylene-carbon monoxide copolymers as components of food-packaging material.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 5, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-19680 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86G-0321]

Donath-Kelterei; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a petition (GRASP 6G0314) has been filed by Donath-Kelterei, Gutenbergstrasse 4, 8043 Unterfohring, West Germany, proposing to affirm that the puree and juice from the sea buckthorn berry *Hippophae rhamnoides* L. is generally recognized as safe (GRAS) for use as a food ingredient.

DATE: Comments by November 3, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 6G0314) has been filed by Donath-Kelterei, Gutenbergstrasse 4, 8043 Unterföhring, West Germany, proposing to affirm that the puree and juice from the sea buckthorn berry *Hippophae rhamnoides* L. is GRAS for use as a food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Interested persons may, on or before November 3, 1986, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 25, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-19679 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86G-0202]

The Hereld Organization; Filing of Petition for Affirmation of GRAS Status; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the GRASP number in the notice that announced the filing of a petition for affirmation of GRAS status on behalf of the Hereld Organization.

FOR FURTHER INFORMATION CONTACT: Lola Batson, Regulations Editorial Staff (HFC-222), 5600 Fishers Lane, Food and Drug Administration, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 86-12097, appearing on page 19612 in the Federal Register of Friday, May 30, 1986, in the first column, third line and in the second column under "Supplementary Information," seventh line, the GRASP number is changed to read "(GRASP 5G0305)".

Dated: August 25, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-19677 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0294]

EMS-CHEMIE AG; Filing of Food Additive Petition

Correction

In FR Doc. 86-17182, appearing on page 27461, in the issue of Thursday, July 31, 1986, first column, in the third line of the "SUMMARY", "EMS-CHEMIC" should read "EMS-CHEMIE", and in the seventh line, "contact" was misspelled.

BILLING CODE 1505-01-M

[Docket No. 86G-0289]

The National Fish Meal and Oil Association; Filing of Petition For Affirmation of GRAS Status

Correction

In FR Doc. 86-17183, beginning on page 27461, in the issue of Thursday, July 31, 1986, make the following correction:

On page 27461, third column, in the **"FOR FURTHER INFORMATION CONTACT"** caption, third line, "NW." should read "SW."

BILLING CODE 1505-01-M

[Docket No. 86F-0339]

Rohm & Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Rohm & Haas Co., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with magnesium nitrate as an antimicrobial agent for fillers, binders, pigment slurries, sizing solutions, and coating formulations employed in the manufacture of paper and paperboard for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3947) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with magnesium nitrate as an antimicrobial agent for fillers, binders, pigment slurries, sizing solutions, and coating formulations employed in the manufacture of paper and paperboard for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: August 25, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-19675 Filed 8-29-86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[OA-1-N]

Meeting of the Task Force on Long-Term Health Care Policies

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), this notice announces a meeting of the Task Force on Long-Term Health Care Policies.

DATE: The meeting will be held on September 25, 1986 from 1:00 p.m. to 4:00 p.m., and on September 26, 1986 from 9:00 a.m. to 3:00 p.m., e.s.t. The meeting will be open to the public.

ADDRESS: The meeting will be held in the Marriott Hotel, 1999 Jefferson Davis Highway, Crystal City, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dennis DeWitt, 202-245-0063.

SUPPLEMENTARY INFORMATION:

Purpose

The Task Force on Long-Term Health Care Policies, created by Section 9601 of the Consolidated Omnibus Budget Reconciliation Act of 1985, will evaluate current issues relating to private long-term care insurance. To ensure the evolution of sound private long-term care policies and to help foster consumer confidence in them, the Task Force will develop guidelines that can be used by State regulators, persons involved in the insurance industry, and consumers who may wish to purchase such policies.

The term "long-term health care policy" means an insurance policy, or similar health benefits plan, that is designed for or marketed as providing (or making payment for) health care services (such as nursing home care and home health care) or related services (which may include home and community-base services), or both, over an extended period of time.

The Task Force on Long-Term Health Care Policies will advise the Secretary of Health and Human Services and the Administrator of the Health Care Financing Administration concerning the development of insurance policies for long-term care that are privately marketed to individuals or groups. The Task Force will develop recommendations for long-term health care policies, including recommendations designed to: (1) Limit marketing and agent abuse for those

policies; (2) assure the dissemination of information to consumers necessary to permit informed choice in purchasing the policies and to reduce the purchase of unnecessary or duplicative coverage; (3) assure that benefits provided under the policies are reasonable in relationship to premiums charged; and (4) promote the development and availability of long-term health care policies which meet these recommendations.

Agenda

Agenda items for the meeting will include orientation and swearing in for the Task Force members, presentations from experts in the field of long-term care insurance policies and persons conducting studies in this subject area, and discussions of directions and issues to be addressed at the next meeting.

Agenda items are subject to change as priorities dictate.

Dated: August 26, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 86-19743 Filed 8-29-86; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-040-06-4133-15]

Rock Springs District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Rock Springs, Interior.

ACTION: Notice of Tour and Meeting of the Rock Springs District Advisory Council.

DATE: Tour will be held September 24, 1986, at 9:00 A.M.

ADDRESS: Rock Springs District Office, Bureau of Land Management, U.S. Highway 191 North, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82902-1869, (307) 382-5350.

SUPPLEMENTARY INFORMATION: A tour of surface reclamation at Bridger Coal Company will leave the district Office parking lot on US 191 North of Rock Springs at 9:00 A.M. Wednesday, September 24 and return about 5:00 P.M. the same day. If time allows a stop at a gas processing plant may be made. While the public is invited, BLM will not provide transport.

The meeting will begin at 9:00 A.M. Thursday, September 25, in the District Office Conference Room.

The Agenda is:

Discussion of the Field Tour
Trona Lease Sale Status
Update on Hickey Mountain
Update on Riley Ridge
Coal Program Briefing
Public Comment Period
Arrangements for the Next Meeting

Donald Sweep,

District Manager.

[FR Doc. 86-19775 Filed 8-28-86; 11:28 am]

BILLING CODE 4310-22-M

Office of Surface Mining Reclamation and Enforcement

North Chichamauga Creek Lands Unsuitable for Mining Petition

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of intent to prepare a combined petition evaluation document/environmental impact statement, and notice of scoping meeting and scoping comment period for the petition to designate certain lands in the North Chickamauga Creek watershed in Hamilton and Sequatchie Counties, Tennessee as unsuitable for surface coal mining operations.

SUMMARY: Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSMRE) intends to prepare a combined petition evaluation document/environmental impact statement (PED/EIS) for the decision on a petition to designate certain lands within the Chickamauga Creek watershed in Hamilton and Sequatchie Counties, Tennessee as unsuitable for surface coal mining operations in accordance with Section 522 of the Surface Mining Control and Reclamation Act (SMCRA) of 1977. OSMRE has identified four alternatives that the combined PED/EIS would evaluate as described in the supplementary information of this notice. OSMRE requests that other agencies and the public submit written comments or statements on the need for an EIS on the petition and the scope of the issues which should be analyzed in the combined document.

DATES: Written comments must be received by 5 p.m. local time, November 3, 1986. Oral comments may be presented at the scoping meeting to be held at the Hamilton County Court House at 7:00 p.m. on September 23, 1986.

ADDRESSES: Written comments must be received at, or hand delivered to, the Office of Surface Mining Reclamation and Enforcement, Tennessee Division of Permitting, Attn: Willis Gainer, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee 37902. Copies of the petition are available upon request from the Office of Surface Mining Reclamation and Enforcement at the above address. The public record on the petition is available for review during normal working hours at the OSMRE office listed above.

FOR FURTHER INFORMATION CONTACT: James L. Chisholm at the OSMRE office listed above (telephone: (615) 673-4330 or FTS 854-4330).

SUPPLEMENTARY INFORMATION: The Guardians of North Chickamauga Creek, Inc. filed a petition on November 16, 1983, with the State of Tennessee, Commissioner of the Department of Health and Environment, Surface Mining Division to designate an area lying within the North Chickamauga Creek watershed as unsuitable for all surface coal mining operations under the Tennessee Coal Surface Mining Law, Tennessee Code Annotated 59-8-331(a)(2) and (3). On October 1, 1984, OSMRE assumed authority for surface coal mining and reclamation operations for Tennessee, including the processing of lands unsuitable petitions (49 FR 38874-38897). The document was officially transferred to OSMRE on December 10, 1984.

OSMRE determined the petition incomplete according to 30 CFR 942.764(a) and returned the petition to the petitioners on January 25, 1985. On April 30, 1986, the petition was refiled with OSMRE, with certain modifications, including a reduction in size of the area covered (reduced from 100 to 80 square miles). The petition was declared administratively complete and accepted for processing on June 27, 1986. The 15-page petition and 87 pages of exhibits were submitted by Robert B. Pyle, attorney for the Guardians of the North Chickamauga Creek, Inc., and the Sierra Club. Mr. Pyle's address is P.O. Box 16416, Chattanooga, Tennessee 37416.

The major allegations of the petition are:

1. Mining operations are incompatible with exising State and local land use plans.

2. Mining will affect fragile and historic lands and result in significant damage to esthetic values and natural systems including rare and endangered species.

3. Mining could result in substantial loss of water supply.

4. Mining is unsuitable to the watershed due to the condition of area roads, endangering public safety.

The several alternatives available to OSMRE for evaluation in the combined document range from not designating any of the lands in the area as unsuitable, to designating all the lands in the petition are as unsuitable including designating only parts of the area as unsuitable. The alternatives are as follows:

Alternative 1—Designate the entire petition area as unsuitable for all surface coal mining operations.

Alternative 2—Not designate any of the area as unsuitable for all surface coal mining operations.

Alternative 3—Designate parts of the petition area as unsuitable for all surface coal mining operations.

A. Designate as unsuitable for all or certain types of surface coal mining operations, including the designation of selected reserves, those parts of the petition area in which such operations would be incompatible with existing State or local land use plans or programs.

B. Designate as unsuitable for all or certain types of surface coal mining operations, including the designation of selected reserves, those parts of the petition area in which such operations would affect fragile or historic lands and result in significant damage to important esthetic values and natural systems.

C. Designate as unsuitable for all or certain types of surface coal mining operations, including the designation of selected reserves, those parts of the petition area in which such operations could result in a substantial loss or a reduction of long-range productivity of water supply.

Alternative 4—Designate the entire petition area as unsuitable for surface coal mining but allow undeground mining with or without certain restrictions.

A scoping comment period is intended to raise the relevant issues to be addressed by the combined document. The scoping meeting will be held at the Hamilton County Courthouse on September 23, 1986, at 7:00 p.m. The comment period will close on November 3, 1986, at 5:00 p.m. local time. OSMRE seeks public comments in relation to the scope of issues to be addressed by the impact evaluation, including impacts and alternatives that should be addressed. Written comments submitted should be specific and confined to issues pertinent to the petition. The public comments received during the scoping period will assist OSMRE in making decision on the petition evaluation and in preparing the environmental impact statement. OSMRE believes that the proposed action is a major Federal action that may significantly affect the quality of the human environment and may require the preparation of an EIS. OSMRE additionally gives notice here that should information or analysis show that the proposed action does not require an EIS, it will terminate the environmental impact statement process thorugh an appropriate notice in the **Federal Register.**

Dated: August 26, 1986.

Brent Walquist,

Assistant Director, Program Operations.

[FR Doc. 86-19732 Filed 8-29-86; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30859]

Cape Cod & Hyannis Railroad Inc.; Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts Cape Cod & Hyannis Railroad, Inc., from 49 U.S.C. Subtitle IV.

DATES: This exemption is effective September 5, 1986. Petitions to reopen must be filed by September 22, 1986.

ADDRESS: Send pleadings referring to Finance Docket No. 30859 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Mary E. O'Neal, Cargill, Masterman & Culbert, One Lewis Wharf, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7693.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423 or call 289-4357 (DC Metropolitan Area) or toll free (800) 424-5403.

Decided: August 25, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-19702 Filed 8-29-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-268 (Sub-No. 1X]

Portland Terminal Co. Abandonment Exemption; Cumberland County, ME

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, the abandonment by Portland Terminal Company of four portions of track subject to standard labor protection.

DATES: This exemption is effective on October 2, 1986. Petitions to stay must be filed by September 12, 1986, and petitons for reconsideration must be filed by September 22, 1986.

ADDRESSES: Send pleadings referring to Docket No. AB-285 (Sub-No. 1X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Kinga M. LaChapelle, Portland Terminal Company, Iron Horse Park, No. Billerica, MA 01862

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7693.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area), or toll-free (800) 424-5403.

Decided: August 25, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Gradison, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-19807 Filed 8-29-86; 8:45 am]

BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., in Washington, DC, on October 2, 1986, beginning at 8:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred

to in Title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the subject of the meeting falls within the exceptions to the open meeting requirements set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: August 27, 1986.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 86-19707 Filed 8-29-86; 8:45 am]

BILLING CODE 4810-25-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Availability of Proposed Records Schedules

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes a notice at least monthly of all agency requests for records disposition authority (records schedules) which include records being proposed for disposal or which reduce the records retention period for records already authorized for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a0.

DATE: Comments must be received in writing on or before November 3, 1986.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthesis immediately after the title of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

This public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval:

1. Department of the Air Force, Directorate of Administration (N1-AFU-86-58). Equipment request records.

2. Department of Agriculture, Commodity Stabilization Service (N1-161-86-1). Wage determination forms, contract forms for grain storage structures, and maps, charts, and graphs relating to corn moisture, core acreager allotments in Missouri, and planted acres in the north central states, 1924-37.

3. Department of Justice, U.S. Parole Commission (NC1-438-85-2). Reports, software and related records of the Parole Decision History System (PDH) and the Parole Decision Making System (PDM). The PDH and PDM have been designated for permanent retention and eventual transfer to the National Archives.

4. National Archives and Records Administration (N1-GRS-86-3). Revision of General Records Schedule 6, item 1b to decrease retention period.

5. Tennessee Valley Authority, Division of Medical Services (NC1-142-85-10). Comprehensive schedule.

6. Tennessee Valley Authority (NC1-142-85-12). Comprehensive schedule for the Power Program function.

7. Veterans Administration, Department of Veterans Benefits (N1-15-86-7). Specially Adapted Housing Grant Record Cards maintained in VA Central Office as an administrative control.

8. Veterans Administration, Department of Veterans Benefits (N1-15-86-10). Loan Guaranty Property Management System Reports.

Dated: August 25, 1986.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 86-19757 Filed 8-29-86; 8:45 am]

BILLING CODE 7515-0-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-528 and 50-529]

Arizona Public Service Co. et al.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-41 and NPF-51 issued to Arizona Public Service Company et al. (the licensees),[1] for operation of Palo Verde Nuclear Generating Station, Units 1 and 2, located in Maricopa County, Arizona. The request for amendments was submitted by letter dated July 23, 1986, as supplemented by letter dated August 26, 1986.

The proposed amendments would revise Tables 2.2-1 and 3.3-2 to the Technical Specifications for both units to change the setpoints involved with the Low Reactor Coolant Flow (LRCF) reactor trip function. The LRCF trip function provides protection in the event of (1) a reactor coolant pump sheared shaft or (2) a main steam line break with a concurrent loss of offsite power. The proposed changes would still be within the bounds of the current safety analyses for both events. The purpose for the proposed changes is to accommodate process noise without tripping the reactor.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the

[1] The other licensees are the Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power, and Southern California Public Power Authority.

Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

A discussion of these standards as they relate to these amendments follows:

Criterion 1

The proposed changes would not increase the probability or consequences of any accident previously evaluated since the proposed changes are still within the bounds of the current safety analyses. The proposed changes are intended to reduce the probability of a reactor trip due to process noise.

Criterion 2

The proposed changes would not create the possibility of a new or different kind of accident from any previously analyzed since they would not introduce new systems, modes of operation, failure modes or other plant perturbations. The would only adjust the settings for the LRCF trip function.

Criterion 3

The proposed changes would not involve a significant reduction in the margin of safety. While some of the proposed setpoints are less conservative than the existing setpoints, the proposed setpoints are still within the bounds of current safety analyses.

Therefore, since the application for amendments appears to satisfy the criteria specified in 10 CFR 50.92, the NRC staff proposed to determine that the requested changes do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

By October 2, 1986, the licensees may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses, and any person who interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Arthur C. Gehr, Esq., Snell & Wilmer, 3100 Valley Center,

Phoenix, Arizona 85073, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85007.

Dated at Bethesda, Maryland, this 27th day of August, 1986.

For the Nuclear Regulatory Commission.

E.A. Licitra,

Acting Director, PWR Project Directorate No. 7, Division of PWR Licensing-B.

[FR Doc. 86-19763 Filed 8-29-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-OL-5 (EP Exercise); ASLBP No. 86-533-01-OL]

Long Island Lighting Co.; (Shoreham Nuclear Generating Plant, Unit 1)

August 26, 1986.

Atomic Safety and Licensing Board

Before Administrative Judges: Morton B. Margulies, Chairman Jerry R. Kline, Frederick J. Shon.

Order

(Canceling Prehearing Conference of September 3, 1986)

A prehearing conference had been set for September 3, 1986, at Hauppauge, New York, to consider proposed contentions and a discovery schedule.

The Board has received the following filings from the parties:

(a) Intervenors' proposed contentions, August 1, 1986, 162 pages;

(b) Applicants' objections for proposed contentions, August 15, 1986, 148 pages;

(c) Staff's answer to proposed contentions, August 15, 1986, 48 pages;

(d) Intervenors response to Applicant and Staff, August 25, 1986, 300 pages.

It is not possible for the Board to review, in a meaningful manner, such extensive and complex filings before the start of the scheduled prehearing conference on September 3. The Board therefore cancels the scheduled prehearing conference and will reschedule it, as appropriate.

Dated at Bethesda, Maryland this 26th day of August, 1986.

It is so ordered.

The Atomic Safety and Licensing Board.

Morton B. Margulies,

Chairman, Administrative Judge.

Jerry R. Kline,

Administrative Judge.

Frederick J. Shon,

Administrative Judge.

[FR Doc. 86-19761 Filed 8-29-86; 8:45 am]

BILLING CODE 7590-01-M

Docket Nos. 50-338 and 50-339

Virginia Electric and Power Co. et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 84 and 71 to Facility Operating License Nos. NPF-4 and NPF-7, issued to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), which amended the Licenses for operation of the North Anna Power Station, Units 1 and 2 (the facilities), located in Louisa County, Virginia. Amendment No. 84 to Facility Operating License No. NPF-4 for the North Anna Power Station, Unit No. 1 is effective within 60 days from the date of issuance. Amendment No. 71 to Facility Operating License No. NPF-7 for the North Anna Power Station, Unit No. 2 is effective within 30 days from the date of issuance.

The amendments revise the North Anna Power Station, Units No. 1 and 2 Facility Operating Licenses No. NPF-4 and No. NPF-7, and the Technical Specifications, respectively, to increase the presently rated core power level of 2775 Megawatts-thermal to 2893 Megawatts-thermal. The amendments allow the two units to operate at a Nuclear Steam Supply thermal power of 2905 Megawatts-thermal. The amendments represent an increase of approximately 4.5 percent over the currently licensed core power rating and nuclear steam thermal power rating. The amendments will increase the electrical power output for each unit by 32 Megawatts-electrical.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Prior Hearing in connection with this action were published in the **Federal Register** on July 26, 1985 (50 FR 30550). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission prepared an Environmental Assessment and Finding of No Significant Impact (August 11, 1986, 51 FR 28784) related to the action and concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action significantly beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility dated April 1973, as amended.

For further details with respect to this action, see (1) the application for amendments dated May 2, 1985, as supplemented by letters dated February 6, April 30, June 4, July 3, and August 20, 1986, (2) Amendment Nos. 84 and 71 to Facility Operating License Nos. NPF-4 and NPF-7, (3) and the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-A.

Dated at Bethesda, Maryland, this 25th day of August, 1986.

For the Nuclear Regulatory Commission.

Lester S. Rubenstein,

Director, PWR Project Directorate No. 2, Division of PWR Licensing-A

[FR Doc. 86-19762 Filed 8-29-86; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; New System of Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of new system of records.

SUMMARY: This document provides notice that the Pension Benefit Guaranty Corporation has established a system of records, System PBGC–11, pertaining to its "call detail program" that collects and uses information on the use of the Corporation's telephone system by employees and other persons. The document also provides information concerning clarifying changes in System PBGC–11, Call Detail Records, and the routine uses that were previously proposed.

EFFECTIVE DATE: September 2, 1986.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington DC 20006, 202–956–5051 (202–956–5059 for TTY AND TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: On August 1, 1986, the Pension Benefit Guaranty Corporation ("PBGC") published in the **Federal Register**, 51 FR 27614, a "Notice of new system of records and routine uses" that is designated as PBGC–11 and entitled "Call Detail Records." Interested persons were invited to submit written data, views, or comments on the proposed routine uses and none were received. Therefore, the routine uses in System PBGC–11 are effective on September 2, 1986, as proposed.

Some comments concerning other provisions of System PBGC–11 were received from reviewers within the government, and the PBGC has decided that clarification of the uses of this new system of records is needed. Accordingly, the PBGC is making several changes in System PBGC–11 at this time. The changes are as follows:

First, the PBGC proposed to incorporate by reference into System PBGC–11, five of the six previously established General Routine Uses for information in the PBGC's systems of records (number 5 was excluded). Those General Routine Uses are set forth in the Notice published on August 1, 1986, and were previously published in the Prefatory Statement to the PBGC's 1982 Annual Publication of its systems of records (47 FR 58404, December 30, 1982). The PBGC now has determined that General Routine Use number 2, relating to disclosure to a federal, state or local agency requesting information from the PBGC, also is inapplicable to System PBGC–11. Accordingly, that General Routine Use is not incorporated into this system of records.

Second, also in connection with the incorporation by reference of the General Routine Uses that apply to System PBGC–11, the PBGC has determined that the application of specific General Routine Uses to System PBGC–11 will be clearer if a specific paragraph listing the incorporated uses is added. Accordingly, the PBGC has added a new paragraph 1 to the section entitled "ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES." The other two routine uses are renumbered accordingly.

Third, the PBGC is adding a specific disclosure rule following the "ROUTINE USES" section of System PBGC–11. This disclosure rule relates to the statutory provision in 5 U.S.C. 552a(b)(12) that records may be disclosed "to a consumer reporting agency in accord with section 3711(f) of title 31." This disclosure rule was inadvertently omitted from the system of records as published previously.

Because these changes are not subject to the notice and comment requirement applicable to routine uses, there is no change in the September 2, 1986, effective date.

Based on the foregoing, the PBGC hereby establishes System PBGC–11, as follows.

(Sec. 3, Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a))

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

PBGC–11

SYSTEM NAME:

Call Detail Records—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contract employees and consultants of the PBGC and officials of the labor organization representing PBGC employees who have made long distance or other toll calls from PBGC telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to use of PBGC telephones to place long distance and other toll calls; records indicating assignment of telephone extension numbers to employees and other covered individuals; records relating to location of telephone extensions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. General Routine Uses 1, 3, 4 and 6 of the PBGC's Prefatory Statement of General Routine Uses apply to this system. These General Routine Uses were published at 47 FR 58404.

2. Records and data may be disclosed to employees, contract employees and consultants of the PBGC and officials of the labor organization representing PBGC employees to determine their individual responsibility for telephone calls, but only to the extent that such disclosures consist of comprehensive lists of called numbers and length of calls.

3. Pursuant to Title VII of the Civil Service Reform Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12):

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

Storage:

Records are maintained manually in file folders, in machine readable form, and on floppy disks.

Retrievability:

Records are retrieved by name of employee or other covered individual or telephone extension number, or by telephone number called.

Safeguards:

Manual and machine readable records are maintained in filing cabinets or offices in areas of restricted access that are locked after office hours; floppy disks are locked in a vault with limited access in an office that is locked after office hours.

Retention and disposal:

Records are retained for 3 years and then destroyed.

System Manager(s) and Address:

Manager, Office Services Division, Human Resources and Support Services Department, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

Notification Procedures:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

Record Access Procedures:

Same as notification procedure.

Contesting Record Procedures:

Same as notification procedure.

Record Source Categories:

Telephone assignment records; call detail listings; private telephone billing information.

[FR Doc. 86-19706 Filed 8-29-86; 8:45 am]

BILLING CODE 7708-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on September 18 and 19, 1986 in Room 5104, New Executive Office Building, Washington, DC. The meeting will begin at 6:00 p.m. on September 18, recess and reconvene at 8:00 a.m. on September 19. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The September 18 session and a portion of the September 19 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

Because of the security in the New Executive Office Building, persons wishing to attend the open portion of the meeting should contact Annie L. Boyd, Secretary, White House Science Council at (202) 456-7740, prior to 3:00 p.m. on September 17. Ms. Boyd is also available to provide specific information regarding time, place and agenda for the open session.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

August 25, 1986.

[FR Doc. 86-19759 Filed 8-29-86; 8:45 am]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-23552; File No. SR-CBOE-86-26]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

On July 22, 1986, the Chicago Board Options Exchange, Inc. submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] a proposed rule change to extend the current one-year index option escrow receipt pilot program for an additional six month period.

The proposed rule change was noticed in Securities Exchange Act Release No. 23510 (August 6, 1986), 51 FR 29038 (August 13, 1986). No comments have been received yet on the proposed rule change.

The Commission previously approved a one-year pilot program by the options exchanges that permits the use of escrow receipts, in lieu of margin, that are collateralized by either cash, cash equivalents, or one or more qualified equity securities, or a combination of the foregoing, to cover short call options contracts overlying broad-based index options.[3]

The CBOE has indicated that because of start-up delays the pilot program has only been effective for nine months. Accordingly, in its filing CBOE has requested that we extend the pilot program for an additional six-month period until February 20, 1987. CBOE believes this should enable market participants to use the program for a sufficient amount of time to collect enough data to assess the pilot. In addition, CBOE states that this additional data can be included in the report that is required to be submitted to the Commission at the pilot's conclusion.

In reviewing CBOE's request to extend the pilot, we note that the Commission has previously considered and approved the concept of an index option escrow receipt pilot program. In addition, we note that a six month extension of the pilot should provide additional information to determine whether the program should be modified, cancelled, or approved on a permanent basis.

For these reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6[4] and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the proposal in the **Federal Register** in that: (1) The proposed rule change has been published for comment for thirteen days, and no comments have yet been received; and (2) CBOE's rule change would only result in extending the existing program previously approved by the Commission for an additional six months and would not otherwise alter the pilot's original terms.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

[1] 15 U.S.C. 78s(b)(1)(1982).

[2] 17 CFR 240.19b-4 (1985).

[3] *See* Securities Exchange Act Release No. 22323 (August 13, 1985), 50 FR 33439 (August 19, 1985) and File Nos. SR-Amex-84-33, SR-CBOE-84-28, SR-NYSE-84-35, SR-PSE-85-19, and SR-Phlx-85-18.

[4] 15 U.S.C. 78f (1982).

[5] 15 U.S.C. 78s(b)(2)(1982).

[6] 17 CFR 200.30-3(a)(12)(1985).

Dated: August 25, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-19752 Filed 8-29-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23553; SR-CSE-86-4]

Self-Regulatory Organizations; Cincinnati Stock Exchange, Inc.; Order Approving Proposed Rule Change

The Cincinnati Stock Exchange, Inc. ("CSE") submitted on July 7, 1986, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to expand the number of Proprietary Memberships authorized under the CSE's Code of Regulations. Under the proposed charge, the CSE would amend Article II, section 5.2(b) of its Code of Regulations to increase the maximum number of Proprietary Memberships from 200 to 275.

According to the Exchange, all but 3 of the 200 Certificates of Proprietary Membership currently authorized have been issued. The CSE states that this expansion of the number of proprietary memberships will enable the Exchange to meet an anticipated increase in demand for memberships and enhance the Exchange's ability to raise capital. This proposed rule change was adopted by the CSE's Board of Trustees on June 5, 1986, and was approved by the Exchange's membership on June 19, 1986.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 23428, July 14, 1986) and by publication in the **Federal Register** (51 FR 26323, July 22, 1986). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 25, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-19753 Filed 8-29-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

August 25, 1986.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

ALZA Corporation
Class A Common Stock, No Par Value (File No. 7-9142)
Circus Circus Enterprises, Inc.
Common Stock, $0.10 Par Value (File No. 7-9143)
Dana Corporation
Common Stock, $1.00 Par Value (File No. 7-9144)
Di Giorgio Corporation
Common Stock, $2.50 Par Value (File No. 7-9145)
Emhart Corporation
Common Stock, $1.00 Par Value (File No. 7-9146)
Hall (Frank B.) & Co., Inc.
Common Stock, $0.50 Par Value (File No. 7-9147)
HealthAmerica Corporation
Common Stock, $0.01 Par Value (File No. 7-9148)
Marion Laboratories, Inc.
Common Stock, $1.00 Par Value (File No. 7-9149)
Nord Resources Corporation
Common Stock, $0.01 Par Value (File No. 7-9150)
The Pittston Company (Virginia)
Common Stock, $1.00 Par Value (File No. 7-9151)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 16, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-19755 Filed 8-29-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

August 25, 1986.

The above mentioned named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Public Service Company of New Hampshire
Common Stock, $5.00 Par Value (File No. 7-9140)
Ensource Inc. (New)
Common Stock, $.10 Par Value (File No. 7-9141)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 16, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-19754 Filed 8-29-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-742]

Application and Opportunity for Hearing; FBS Mortgage Corp.

August 26, 1986.

Notice is hereby given that FBS Mortgage Corporation (the "Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting the Applicant from certain reporting requirements under section 13 and from the operation of section 16 of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person, not later than September 22, 1986 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary

[FR Doc. 86-19756 Filed 8-29-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 86-07]

Eighth Coast Guard District Industry Day

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: On 5 November 1986, Commander, Eighth Coast Guard District will sponsor an Industry Day program to provide for an exchange of ideas, opinions and information concerning developments affecting the Coast Guard and the maritime community and its related industries. The format for the day will be as follows:

1. General Session; greeting, opening remarks
2. Group Discussions; four, separate, small group discussions focusing on the Deep Sea Industry, Off Shore Industry, Towing Industry and Shore Side Facilities.
3. No host Lunch (approximate cost $20.00)
4. Resume small group discussions.
5. General Session; closing remarks, adjournment

Tentative topics of discussion for the small groups are:

a. Oversized tow-inland navigation regulations
b. Status of Berwick Bay High Water regulations
c. Port Security Card program
d. New Boundary LIne
e. Requirement for Pilots
f. New licensing regulations
g. Certificates of Alternate Compliance
h. Special Purpose Vessels (i.e. liftboats, dive boats, etc.)

Persons desiring to attend the program are encouraged to provide additional topics for consideration. Pre-registration for the program is required. Contact the below named Officers to submit topics for discussion and to obtain pre-registration forms.

DATE: 5 November 1986, 8:00 A.M. to 5:00 P.M.

ADDRESS: Royal Sonesta Hotel, 300 Bourbon Street, New Orleans, LA 70140.

FOR FURTHER INFORMATION CONTACT: LCDR Dean W. Kutz, USCG or LT Gregory A. Santer, USCG c/o Commander, Eighth Coast Guard District (mvs), Hale Boggs Federal Building, Room 1341, 500 Camp Street, New Orleans, LA 70130-3396; telephone number (504) 589-6271.

Dated: August 21, 1986.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 86-19722 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 160—406 MHz Emergency Locator Transmitters (ELT); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 160 on 406 MHz Emergency Locator Transmitters (ELT) to be held on September 25-26, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Introductory Remarks; (2) Review and Approve Terms of Reference, RTCA Paper No. 63-86/SC160-1; (3) Briefing on the Report of the *Ad Hoc* Committee; (4) Committee Discussion of Extent of the Problem; (5) Define Scope of Work and Develop a Plan for Accomplishment; (6) Task Assignments; (7) Other Business; and (8) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 21, 1986.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 86-19663 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Executive Committee; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on September 19, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Opening Remarks and Introductions; (2) Approval of Minutes of the Meeting

Held on July 18, 1986; (3) Executive Director's Report; (4) Special Committee Activities Report for July/August 1986; (5) Report of the Fiscal & Management Subcommittee; (6) Approval of RTCA CY87 Operations and Special Budgets; (7) Consideration of Proposals to Establish New Special Committees; (8) Report of Special Committee 155 Steering Committee; (9) Consideration for Approval of Committee Reports; (10) Other Business; and (11) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 21, 1986.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 86-19664 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

National Highway Safety Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee to be held September 19, 1986, in Washington, DC. The meeting will be held in Room 2230 at the DOT Headquarters Building, 400 Seventh St., SW., from 8:00 a.m. to 4:00 p.m. This meeting is the rescheduled meeting from August 13-14, 1986 which was postponed on August 11. The agenda will include swearing in of new members, and briefings on NHTSA highway safety emphasis areas.

The meeting is open to the interested public, buy my be limited in attendance to the space available. Members of the public may present a written statement to the Committee at any time. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Additional information is available from the NHTSA Executive Secretariat, Room 5221, DOT Headquarters Building, telephone 202-366-2870.

Issued in Washington, DC, on August 27, 1986.

Sharon Goldstein,

Acting Director, Executive Secretariat.

[FR Doc. 86-19700 Filed 8-29-86; 8:45 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Report of New Matching Program

AGENCY: Veterans Administration.

ACTION: Notice of Matching Program—Veterans Administration Compensation and Pension Records/State and Local Wage, Tax and Employment Security Records.

SUMMARY: The Veterans Administration (VA) is providing notice that the Office of Inspector General (OIG) will expand the series of computer matches it is conducting of VA Compensation and Pension records with State and local wage, tax and employment security records.

The goals of these matches are: (1) To verify the eligibility of recipients to receive VA benefits and detect unwarranted payments to persons who may be ineligible for veterans benefits; and (2) to assess the effectiveness of the Eligibility Verification Report which is used for the self-reporting of income by pension beneficiaries. Subsequent computer matches will also include checks on the eligibility of beneficiaries having disabilities based on "industrial inadaptability" or "inability to obtain or retain employment."

This notice supersedes the Reports of New Matching Programs published in the **Federal Register** on March 28, 1983 (48 FR 12883) and January 5, 1984 (49 FR 689).

DATES: It is anticipated the matches will commence in approximately August 1986.

ADDRESSES: Interested individuals may comment on the proposed matches by writing to the Assistant Inspector General for Policy, Planning and Resources (53), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Mr. Jack H. Kroll, Assistant Inspector General for Policy, Planning and Resources (53), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, area code 202-389-5297.

SUPPLEMENTARY INFORMATION: Further information regarding the matching program is provided below. This information is required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Matching Programs, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Approved: August 18, 1986.

Thomas K. Turnage,

Administrator.

Report of Matching Program: Veterans Administration Compensation and Pension Records/State and Local Wage, Tax and Employment Security Records.

a. *Authority.* The Inspector General Act of 1978 (Pub. L. 95-452).

b. *Program Description.*

(1) *Purpose.* The Office of Inspector General (OIG) plans to expand its existing program of matching lists of veterans and beneficiaries who are receiving compensation or pension payments with the wage, tax and employment security records of State and local agencies. These matches are for the purpose of verifying the eligibility of the recipients, identifying those who may be ineligible or not fully entitled to such benefits, and to assess the validity of the Eligibility Verification Report required of each pension recipient. As an additional component of these computer matches, the OIG will examine information reflecting on the eligibility of recipients having disabilities based on "industrial inadaptability" or "inability to obtain or retain employment."

Title 38 United States Code, requires that Veterans Administration (VA) benefit payments be reduced or terminated for recipients who are found to be ineligible.

(2) *Procedures.* The matches, which are presently being conducted with a number of States in accordance with notices published earlier, are being expanded in scope as described in paragraph a. (1), above. The matches will be performed by the VA OIG whenever possible; however, in some instances State or local agencies may actually perform the match in order to comply with local laws or rules on the release of records. For the purpose of this matching program, the term "State" will include the District of Columbia and the Commonwealth of Puerto Rico.

In conducting the matches the OIG will request that State and local agencies provide computerized excerpts of records containing names, identifying data and summaries or descriptions of the records. When it is necessary that a State or local agency perform the match,

the OIG will provide a computerized extract of VA records containing only the social security numbers of veterans and beneficiaries. When it is necessary to verify the identity of veterans or beneficiaries who may be listed in State or local agency files, the OIG may furnish additional identifying data such as date of birth, place of birth, sex, etc. In accordance with Title 38 U.S.C. 3301, the names and addresses of veterans and beneficiaries will not be made available to State or local agencies except: (a) In connection with a proceeding for the collection of a debt owed to the United States and resulting from the receipt of VA benefits; or (b) in response to a written request from a civil or criminal law enforcement agency for a public health or safety purpose provided by law.

It is planned that the first match under this expanded scope will be with records from Missouri. If this match demonstrates the effectiveness of matching VA with State and local agency records to detect overpayments of veterans benefits to recipients with disabilities, the Inspector General may include this additional check in matches of the remaining States and selected local agencies. The schedule and order of the remaining matches will depend on current workload, available resources and other factors; and therefore, cannot be projected. These matches may be repeated on a cyclical or intermittent basis.

In this computer matching program, a "hit" is defined as the identification of an individual in the records that are being matched or compared with each other. Hits resulting from these matches of VA records with State and local wage, tax and employment security records will be treated as follows: The OIG will verify the identity of the persons listed as hits and review the information obtained through the match. If the information indicates that the information provided to the VA in applying for a benefit may not have been accurate, or that there has been a change in the eligibility of the person that has not been reported to the VA, the information and identity of the person will be referred to the Department of Veterans Benefits (DVB) for further review and follow-up action. Employers or other knowledgeable sources may be contacted in the verification process. A reduction, suspension or termination of benefit payments may ensue when the circumstances warrant and after due process has been afforded to the individual. Action to recover overpayments may also be taken. When there are reasonable grounds to believe there has been a violation of criminal law, the matter may be investigated and referred for prosecutive consideration.

c. *Records to be matched.* Lists extracted from the following system of records will be matched with State and local wage, tax and employment security records:

Compensation, Pension, Education and Rehabilitation Records—VA (58VA21/22/28) as set forth on page 738 of the **Federal Register** publication Privacy Act Issuances, 1984 Compilation, Vol. V and amended at 50 FR 26875 (June 28, 1985); 50 FR 31453 (Aug. 2, 1985), 51 FR 24781 (July 8, 1986); and 51 FR 25142 (July 10, 1986). The disclosure of information from this system of records, for the purpose of the matching program, is permitted by a published routine use.

d. *Period of match.* Intermittently from approximately August 1986.

e. *Safeguards.* Records used in the matches and data generated, as a result, will be safeguarded from unauthorized disclosure. Access will be limited to those persons who have a need for the information in order to conduct the matches or followup actions. All of the material will be stored in locked containers when not in use. Prior to releasing any information from the VA system of records to a State or local agency, the OIG will obtain a written agreement from the agency specifying that the matching file will remain the property of the VA and will be returned to the OIG or will be destroyed upon completion of the match, as appropriate; that it will be used and accessed only to match the files previously agreed to; that it will not be used to extract information concerning "non-hit" individuals for any purpose; and that it will not be duplicated or disseminated within or outside the matching agency unless authorized in writing by the VA OIG or by DVB.

f. *Retention and disposition.* Records not resulting in "hits" will be destroyed by burning, shredding, or electronic erasing within three months of the completion of the individual match. Records resulting in "hits" will be retained by either the OIG or the Department of Veterans Benefits until the completion of any necessary administrative or legal action and will then be disposed of in accordance with approved records control schedules and/or approved disposition authority from the Archivist of the United States.

[FR Doc. 86-19730 Filed 8-29-86; 8:45 am]

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federal register

Tuesday
September 2, 1986

Part II

Department of Education

Office of Special Education and Rehabilitative Services

Auxiliary Activities; Innovative Programs for Severely Handicapped Children; Notice of Proposed Annual Funding Priorities

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Auxiliary Activities; Innovative Programs for Severely Handicapped Children

AGENCY: Department of Education.

ACTION: Notice of proposed annual funding priorities.

SUMMARY: The Secretary proposes annual funding priorities for Auxiliary Activities—Innovative Programs for Severely Handicapped Children.

DATE: Comments must be received on or before October 2, 1986.

ADDRESS: Comments should be addressed to R. Paul Thompson, Division of Educational Services, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 4615) Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson. Telephone: (202) 732-1161.

SUPPLEMENTARY INFORMATION: The Auxiliary Activities program, authorized by section 624 of the Education of the Handicapped Act (EHA); supports research, development or demonstration, training, and dissemination activities which meet the unique educational needs of handicapped children and youth, and are consistent with the purposes of Part C of the EHA (20 U.S.C. 1424). In accordance with this authority, the Secretary proposes to fund projects under the following priorities for fiscal year 1987. These priorities address the needs of deaf-blind and severely handicapped children which have been identified by professionals, paraprofessionals, and parents as being those most critical at this time. Projects will be funded for up to 36 months, except where otherwise indicated, subject to annual review of progress, the availability of Federal funds, and other factors (see 34 CFR 75.251–75.253).

Proposed Priorities

In accordance with Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to applications submitted under the Auxiliary Activities—Innovative Programs for Severely Handicapped Children in fiscal year 1987 that respond to one of the priorities described below.

(a) *Education of severely handicapped (including deaf-blind) children and youth in the least restrictive environment.* This priority supports projects which, on a district-wide basis (local educational agency) or cross-district basis, design, implement, and evaluate innovative approaches to meet the needs of severely handicapped (including deaf-blind) children and youth in the least restrictive and least segregated environments. Projects supported under this priority must provide for and demonstrate the capacity to effectively serve deaf-blind children and youth. Projects under this priority must:

(1) Develop new approaches for delivery of integrated educational services, which includes providing severely handicapped children who are currently being served in segregated environments with special educational and related services in programs at facilities with nonhandicapped children;

(2) Demonstrate through the provision of project services the clear movement of participating children and youth to and integration into less segregated environments, with the objective of facilitating the placement of these children in appropriate regular school settings;

(3) Demonstrate the delivery of curricula relevant to education in integrated settings including the teaching of social integration skills, community reference skills, and employment skills;

(4) Promote acceptance of severely handicapped children and youth by the general public through increasing both the quality and frequency of meaningful interactions of these children and youth with handicapped and nonhandicapped peers and adults;

(5) Demonstrate effective involvement of families in the planning and delivery of services to their severely handicapped children or youth.

It is expected that awards will be made at approximately $100,000 per year for up to three years under this competition.

(b) *State-wide systems change.*

(1) Applications submitted under this priority must:

(i) Develop, in a conjunction with the EHA Part B State plan, activities to improve the quality of special education and related services in the State to severely handicapped (including deaf-blind) children and youth, birth through 21 years of age, and to change the delivery of these services from segregated environments to integrated environments;

(ii) Implement the planned services;

(iii) Evaluate the effectiveness of the implementation; and

(iv) Disseminate information about project outcomes.

(2) Planning for improved services under this priority must:

(i) Identify resources available in the State to provide the needed services to the severely handicapped children and youth;

(ii) Establish procedures to improve the EHA Part B State plan child-find activities pertaining to all severely handicapped children and youth in the State;

(iii) Establish services needed to assist these children and youth to achieve their most realistic functioning level in normalized, nonsegregated, least restrictive environments. These services must at minimum contain the components specified for projects proposed for funding under Priority (a)—Education of severely handicapped (including deaf-blind) children and youth in the least restrictive environment—in this notice;

(iv) Establish a project advisory board having representation of parents of project children and youth, providers of services to this population, and State and professional organizations, which is responsible for providing significant input on project management procedures; and

(v) Formulate and implement formal, written policies and procedures with relevant State, local, and professional organizations for coordinating services provided to the target population, including the elimination of overlapping and redundant services.

In the past few years, contracts and cooperative agreements have been awarded to establish similar State-wide service delivery systems. States receiving those contracts or cooperative agreements are not eligible for competing under this priority.

It is expected that awards will be made at approximately $175,000 per year for up to three years under this competition.

(c) *Inservice training—services for severely handicapped children and youth.* This priority supports projects which utilize effective inservice training activities which meet the needs of qualified personnel to provide services to severely handicapped children and youth such as those who are deaf-blind, profoundly handicapped, traumatically head injured, medically dependent, multi-sensory impaired, motorically impaired, and severely behaviorally disordered. Personnel receiving inservice training under this priority must be either:

(1) Currently providing educational service to these severely handicapped children and youth; or

(2) Committed by signed contract or other such agreement to provide educational services to these severely handicapped children and youth for at least a one-year period following the completion of the inservice training provided under this priority.

The inservice training provided must be based on innovative practices for the education of these children and youth in least restrictive school and community environments. These practices could include, for example, training sequences for development of job-related skills determined to be critical for retention of students in supported work placements; use of augmentative communication devices for deaf-blind children placed in least restrictive environments; parental involvement in monitoring the progress of their severely handicapped children; and application of research project findings with severely handicapped children in normalized, least restrictive environments.

Training may be made available for professionals and paraprofessionals in educational, vocational, health, social services and other related service fields. All inservice training projects must be planned in consideration of the comprehensive system of personnel development required under Part B of the EHA (*See* 34 CFR 300.139) and demonstrate ongoing coordination and cooperation between universities and State agencies. Projects could provide for release time of participants, options for academic credit, salary step credit, certification renewal, or updating professional skills. Funds made available under this priority may not be used for payment of stipends or allowances for travel and other expenses for trainees or their dependents.

It is expected that awards will be made at approximately $107,000 per year for up to three years under this competition.

(d) *Nondirected demonstration projects for severely handicapped (other than deaf-blind) children and youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs including vocational needs of severely handicapped (other than deaf-blind) children and youth. Unlike research studies, these projects must focus on direct services to these children and youth, exemplifying innovative, effective approaches to their education.

Applicants proposing to conduct a project must fully describe and justify the particular approach to be demonstrated, citing, where relevant, any pertinent research upon which the demonstration's approach is based.

It is expected that awards will be made approximately $106,000 per year for up to three years under this competition.

(e) *Model project for the most severely handicapped children and youth.* This priority supports projects which design, implement, and evaluate innovative approaches for educating the most severely handicapped children and youth who are traumatically head injured, medically dependent, multi-sensory impaired, motoricaly impaired, or severely behaviorally disordered. Projects must reflect on-going coordinated planning between relevant health and educational agencies. Project activities must emphasize the active integration of the participating children and youth with nonhandicapped peers in least restrictive environments. Services provided in these projects must evidence awareness and, where appropriate, adoption or adaptation of educational procedures validated for effectiveness with other severely handicapped children and youth.

It is expected that awards will be made at approximately $125,000 per year for up to three years under this competition.

(f) *Communication skills development for deaf-blind children and youth.* This priority supports projects which identify critical educational problems in developing communication skills in deaf-blind children and youth, design and demonstrate innovative programs to effectively resolve those problems, and disseminate information about project findings and recommendations. Projects must address one of the following issues:

(1) Appropriate communication modes;

(2) Standardized procedures for communication (language) sampling within a range of social contexts;

(3) The sequence of communicative behaviors that follow the presymbolic stage and are predictive of later linguistic or communicative functioning;

(4) Procedures for assessment of communicative exchanges between deaf-blind persons and others (parents, siblings, peers, teachers, etc.);

(5) Effective intervention strategies that facilitate effective communicative exchanges between deaf-blind persons and others; or

(6) Procedures for selecting and evaluating technological aids with attention to the vocabulary and linguistic features appropriate to each device and its individual user.

It is expected that awards will be made at approximately $125,000 per year for up to three years under this competition.

(g) *Transition skills development for deaf-blind or other severely multi-sensory impaired youth.* This priority supports projects which design, implement, and disseminate information about innovative practices which facilitate the transition of deaf-blind or other severely mulit-sensory impaired youth from education to employment and other service options, in preparation for their integration into regular community environments as adults. Emphasis in these projects must be placed on the development of job related skills, peer interactions, orientation and mobility, personal grooming, independent living skills and the development of a positive self concept. Projects must include specific activities directed toward development of skills identified as those most needed by project participants in order to facilitate their effective transition. Each project must include procedures for initiating and maintaining an on-going coordination and cooperation with State educational and rehabilitative agencies in the State where the project is located.

It is expected that awards will be made at approximately $108,000 per year for up to three years under this competition.

(h) *Supported employment for deaf-blind youth.* This priority supports projects which design, implement, and disseminate information about innovative practices in the job placement, job sit training and follow-up of deaf-blind youth. The practices must extend beyond, expand upon, complement, or supplement existing successful practices. These projects are to focus on on-the-job skills and adaptations, employee-employer relations, job acquisition, retention skills, and where appropriate, supplemental support for the employment of deal-blind youth on a long-term basis. These projects may also include feasible applications of techniques still in the development stage in research and other experimental programs.

These projects are to include the provision of services for severely handicapped deaf-blind youth who typically have not been eligible for vocational rehabilitation services.

The overall objective of these projects should be to provide an employment focus directed toward the achievement by these deaf-blind youth of the same goals (security, mobility, quality of life, and appropriate income level) sought for nonhandicapped workers.

The following provisions which distinguish these projects from traditional vocational education programming for deaf-blind youth must be incorporated into these projects:

(1) Paid employment in regular job settings such as assisted competitive employment, mobile work crews, and work stations in industry;

(2) Opportunities for integration of these deaf-blind youth with nonhandicapped coworkers in their job setting and with relevant others in typical living environments external to the job;

(3) Financial and social services support for these deaf-blind youth throughout the course of the project; and

(4) A plan cooperatively developed with related State and local agencies for the continuation of those services for an appropriate period of time following termination of the project.

It is expected that awards will be made at approximately $116,000 per year for up to three years under this competition.

(i) *Nondirected demonstration projects for deaf-blind children and youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs including vocational needs of deaf-blind children and youth. Unlike research studies, these projects must focus on direct services to these children and youth, exemplifying innovative, effective approaches to their education. Applicants proposing to conduct a project must fully describe and justify the particular approach to be demonstrated, citing where relevant, any pertinent research upon which the project is based.

It is expected that awards will be made at approximately $116,000 per year for up to three years under this competition.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priorities. All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in Room 4615, Switzer Building, 330 C Street SW., Washington, DC., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 1424)

(Catalog of Federal Domestic Assistance No. 84.086; Innovative Programs for Severely Handicapped Children)

Dated: July 23, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86-19669 Filed 8-29-86; 8:45 am]

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federal register

Tuesday
September 2, 1986

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 32, 45, 48, and 52
Federal Acquisition Regulation (FAR); Proposed Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 32 and 52

Federal Acquisition Regulation (FAR); Reduction in Customary Progress Payment Rates

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a revision to the Federal Acquisition Regulation (FAR) that would change the customary progress payment rates prescribed in FAR Subpart 32.1.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 2, 1986 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 85–58 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The proposed rule revises the progress payment provisions contained in the FAR to accomplish the following: (1) Lower the customary progress payment rate to 80% and 85% for large and small businesses respectively, because the economic conditions which precipitated their increase to the present levels no longer exist, (2) incorporate the limitations on progress payments that had been established under the Defense Procurement Improvement Act of 1986, (3) provide guidance within the Progress Payment clause for situations where more than one progress payment rate is being used, and (4) adjust the contractor minimum investment requirement used in determining flexible progress payments.

B. Regulatory Flexibility Act

The proposed changes to FAR Subparts 32 1, 32.5, and 52.2 do not appear to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). The following Initial Regulatory Flexibility Analysis has been prepared and will be submitted to the Chief Counsel for Advocacy of the Small Business Administration. Any public comments relative to this assessment are solicited.

Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis has been prepared in accordance with section 603, Title 5, United States Code.

Reasons for Proposed Agency Action

There are three separate actions proposed under this rule change: (1) Lower the customary progress payment rate to 80% and 85% for large and small businesses respectively, (2) incorporate the limitations on progress payments that had been established under the Defense Procurement Improvement Act of 1986, and (3) provide guidance within the Progress Payment clause for situations where more than one progress payment rate is being used.

The first action has been recommended by several sources, such as the Grace Commission, DoD Inspector General, and more recently, as an issue under DoD's Defense Financial and Investment Review. The 80% and 85% progress payment rates are the same as those that had existed between 1968 and 1981. Historically, small businesses have obtained a 5% preferential progress payment rate above that provided for large businesses, and have also been able to receive progress payments on accrued costs, while large businesses must first have paid suppliers and vendors before they can obtain progress payments. Under today's more stable economic conditions, with the prime interest rate at approximately 8%, the progress payments at these rates provide an equitable level of financing to both large and small businesses, since the progress payment rates are the same as they were in 1981 when the prime interest rate was in the 12–18% range.

The second action incorporates the limitations on progress payments across all Federal agencies rather than only DoD. This action was considered necessary to maintain uniform progress payment policies throughout the Federal Government to the maximum extent practical.

The third action is an administrative adjustment so that separate progress payment rates could be accommodated within the Progress Payments clause, if such work was severable and accounting segregation could be achieved.

Objectives and Legal Basis

The proposed rules will achieve uniformity and keep progress payment levels sufficiently aligned with economic conditions.

Description and Estimate of Number of Small Entities to Which Proposed Rule Will Apply

The proposed rule will apply to all small businesses which receive progress payments on Government contracts.

Projected Reporting, Recordkeeping, and Other Compliance Requirements

The progress payment rate reduction will not impose additional administrative requirements. It only affects the level of progress payments paid by the Government. The application of the limitation of progress payments under the Defense Procurement Improvement Act of 1986 throughout all Government agencies may cause additional recordkeeping to the extent that the limitation on undefinitized work is 80% and the progress payment rate incorporated into a contract is higher (e.g., small business rate of 85%). However, it is not expected that there is an extensive amount of undefinitized contract activity by small businesses outside DoD. It is also not expected that the number of small business contractors receiving progress payments outside DoD would be significant.

Relevant Federal Rules Which May Duplicate, Overlap, or Conflict With the Proposed Rule

Rules do not duplicate, overlap, or conflict with any other Federal rules.

Significant Alternatives

Action is also being taken within DoD's profit policy under the Weighted Guidelines Method to recognize a contractor's working capital investment in defense contracts. This will provide a more real-time response to changes in the economic environment.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because this proposed rule does not impose any additional reporting or recordkeeping requirements on the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 32 and 52

Government procurement.

Dated: August 26, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Parts 32 and 52 be amended as set forth below:

1. The authority citation for Parts 32 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

PART 32—CONTRACT FINANCING

2. Subpart 32.1 is amended by adding section 32.001 as follows:

32.001 Definition.

"Contract action," as used in this part, means an action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes.

3. Section 32.102 is amended by revising paragraph (e)(2) to read as follows:

32.102 Description of contract financing methods.

* * * * *

(e)(2) This type of progress payment may be used as a payment method under agency procedures. Agency procedures must ensure that payments are commensurate with work accomplished which meets the quality standards established under the contract. Furthermore, progress payments may not exceed 80 percent of the eligible costs of work accomplished on undefinitized contract actions.

4. Section 32.501–1 is amended by revising the first two sentences in paragraph (a) and by adding paragraph (d) to read as follows:

32.501–1 Customary progress payment rates.

(a) The customary progress payment rate is 80 percent, applicable to the total costs of performing the contract. The customary rate for contracts with small business concerns is 85 percent. * * *

* * * * *

(d) In accordance with the Defense Procurement Improvement Act of 1986 (Pub. L. 99–145) and, for civilian agencies, as a matter of policy, progress payments are limited to 80 percent on work accomplished under undefinitized contract actions. A higher rate is not authorized under unusual progress payments or flexible progress payments for the undefinitized actions.

5. Section 32.502–4 is amended by adding paragraph (d) to read as follows:

32.502–4 Contract clauses.

* * * * *

(d) If the nature of the contract necessitates separate progress payment rates for portions of work that are clearly severable and accounting segregation would be maintained (e.g., annual production requirements), the application of separate progress payment rates shall be fully described in a supplementary special provision within the contract. Separate progress payment requests and subsequent invoices shall be submitted by the contractor for the severable portions of work in order to maintain accounting integrity.

6. Section 32.503–6 is amended by revising the following entries in Section II of paragraph (g)(4) to read as follows:

32.503–6 Suspension or reduction of payments.

(g) * * *

(4) * * *

Section II:

* * * * *

Progress payment rate: × 80%

Alternate amount to be used: $599,760

* * * * *

7. Section 32.503–8 is amended by removing in the sixth sentence the figure "86.1" and inserting in its place the figure "76.5" and by revising the following entries in the sixth sentence to read as follows:

32.503–8 Liquidation rates—ordinary method.

* * * * *

Result × progress payment rate (4.33% × 80%): 3.46%

Result subtracted from progress payment rate (80% −3.46%): 76.54%

8. Section 32.503–10 is amended by revising paragraphs (b)(3)(i), (b)(3)(ii), and (b)(3)(iii) to read as follows:

32.503–10 Establishing alternate liquidation rates.

* * * * *

(b) * * *

(3) * * *

(i) If the progress payment rate is 80 percent, the minimum liquidation rate should be 72.7 percent, computed as follows:

$$\frac{(\$1{,}000{,}000 \times 80\%)}{\$1{,}100{,}000} = 72.7\%$$

(ii) If the progress payment rate is 85 percent, the minimum liquidation rate should be 77.3 percent, computed as follows:

$$\frac{(\$1{,}000{,}000 \times 85\%)}{\$1{,}100{,}000} = 77.3\%$$

(iii) If the contract is subject to a CAS limitation on G&A eligible for progress payments (see 32.503–7), an adjusted alternate liquidation rate shall be established by subtracting the estimated G&A not eligible for progress payments from the total estimated contract costs. For example, if the price is $1,100,000, costs are $1,000,000, and unbilled G&A is $47,600, the liquidation rate should be 69.3 percent, computed as follows:

$$\frac{(\$1{,}000{,}000 - \$47{,}600)}{\$1{,}100{,}000} \times 80\% = 69.3\%$$

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

9. Section 52.232–5 is amended by removing in the title of the clause the date "(MAY 1986)" and inserting in its place the date "(AUG 1986)"; by revising the first sentence in paragraph (b); and by adding paragraph (g) to read as follows:

52.232–5 Payments under fixed-price construction contracts.

* * * * *

(b) The Government shall make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates of work accomplished which meets the standards of quality established under the contract, as approved by the Contracting Officer. * * *

* * * * *

(g) Notwithstanding any provision of this contract, progress payments shall not exceed

80 percent on work accomplished on undefinitized contract actions. A "contract action" is any action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes.

(End of clause)

10. Section 52.232-10 is amended by removing in the title of the clause the date "(JUL 1985)" and inserting in its place the date "(AUG 1986)"; by revising the first sentence in paragraph (a); and by adding paragraph (e) to read as follows:

52.232-10 Payments under fixed-price architect-engineer contracts.

* * * * *

(a) Estimates shall be made monthly of the amount and value of the work accomplished and services performed by the Contractor under this contract which meet standards of quality established under this contract. * * *

* * * * *

(e) Notwithstanding any other provision in this contract, and specifically paragraph (b) of this clause, progress payments shall not exceed 80 percent on work accomplished on undefinitized contract actions. A "contract action" is any action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes.

(End of clause)

11. Section 52.232-16 is amended by removing in the title of the clause, and in the title of *Alternate I* and *Alternate II* the date "(APR 1984)" and inserting in each place the date "(AUG 1986)"; by removing in paragraph (a)(1)(i) of the clause the words "90 percent" and inserting in their place the words "80 percent"; by removing in paragraph (a)(5) and in the first sentence of paragraph (b) of the clause the words "90 percent" and inserting in their place the words "80 percent"; by removing in the second and third sentences of paragraph (d)(1) the word "vestiture" and inserting in both places the word "investiture"; by revising paragraph (j)(3)(i); by adding paragraph (k) to the clause; by removing both derivation lines following "(End of clause)" and each derivation line at the end of *Alternate I* and *Alternate II;* by revising the introductory text of *Alternate I* and *Alternate II;* by removing in paragraph (a)(1)(i) of *Alternate I* the words "95 percent" and inserting in their place the words "85 percent"; by redesignating and revising paragraph (k) in *Alternate II* as paragraph (1); and by adding paragraph (m) in *Alternate II* to read as follows:

52.232-16 Progress payments.

* * * * *

(j) * * *

(3) * * *

(i) Are substantially similar to the terms of the clause at FAR 52.232-16, Progress Payments, for any subcontractor that is a large business concern, or that clause with its *Alternate I* for any subcontractor that is a small business concern;

* * * * *

(k) *Limitations on Undefinitized Contract Actions.* Notwithstanding any other progress payment provision in this contract, progress payments may not exceed 80 percent of costs incurred on work accomplished under undefinitized contract actions. A "contract action" is any action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes. This limitation shall apply to the costs incurred, as computed in accordance with paragraph (a) of this clause, and shall remain in effect until the contract action is definitized. Costs incurred which are subject to this limitation shall be segregated on contractor progress payment requests and invoices from those costs eligible for higher progress payment rates. For purposes of progress payment liquidation, as described in paragraph (b) of this clause, progress payments for undefinitized contract actions shall be liquidated at 80 percent of the amount invoiced for work performed under the undefinitized contract action as long as the contract action remains undefinitized. The amount of unliquidated progress payments for undefinitized contract actions shall not exceed 80 percent of the maximum liability of the Government under the undefinitized contract action or such lower limit specified elsewhere in the contract. Separate limits may be specified for separate actions.

(End of Clause)

Alternate I (AUG 1986) If the contract is with a small business concern, change each mention of the progress payment and liquidation rates excepting paragraph (k) to the customary rate of 85 percent for small business concerns (see 32.501-1), delete subparagraphs (a)(1) and (a)(2) from the basic clause, and substitute the following subparagraphs (a)(1) and (a)(2):

* * * * *

Alternate II (AUG 1986) If the contract is a letter contract, add paragraphs (l) and (m). The amount specified in paragraph (m) shall not exceed 80 percent applied to the maximum liability of the Government under the letter contract. Separate limits may be specified for separate parts of the work.

(l) Progress payments made under this letter contract shall, unless previously liquidated under paragraph (b) of this clause, be liquidated under the following procedures:

(1) If this letter contract is superseded by a definitive contract, unliquidated progress payments made under this letter contract shall be liquidated by deducting the amount from the first progress or other payments made under the definitive contract.

(2) If this letter contract is not superseded by a definitive contract calling for the furnishing of all or part of the articles or services covered under the letter contract, unliquidated progress payments made under the letter contract shall be liquidated by deduction from the amount payable under the Termination clause.

(3) If this letter contract is partly terminated and partly superseded by a contract, the Government shall allocate the unliquidated progress payments to the terminated and unterminated portions as the Government deems equitable, and shall liquidate each portion under the relevant procedure in subparagraphs (l)(1) and (l)(2).

(4) If the method of liquidating progress payments provided in this paragraph (l) does not result in full liquidation, the Contractor shall immediately pay the unliquidated balance to the Government on demand.

(m) The amount of unliquidated progress payments shall not exceed (*specify dollar amount*).

[FR Doc. 86-19652 Filed 8-29-86; 8:45 am]
BILLING CODE 6820-61-M

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48 CFR Part 45

Federal Acquisition Regulation (FAR); Inventory Schedules, Preparing and Submitting Standard Form 1432

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to Federal Acquisition Regulation (FAR) 45.606-5(e)(4), concerning the instructions for completing Standard Form (SF) 1432, Inventory Schedule D (Special Tooling and Special Test Equipment).

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before November 3, 1986 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 86-44 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:
Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Background

The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council are considering a change to FAR 45.606-5(e)(4)(ii) to clarify the descriptive information to be included on the SF 1432 when a contractor reports excess special tooling and special test equipment for disposal action. In order to maximize the reutilization potential, the function performed by and the end item application of the special tooling or the special test equipment must be included on the inventory schedule. An editorial change to 45.606-5(e)(4)(i) is also made.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) does not apply because the proposed revision is not a "significant revision" as defined in FAR 1.501-1, i.e., it does not alter the substantive meaning of any coverage in the FAR having a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of the issuing agencies. Accordingly, and consistent with section 1212 of Pub. L. 98-525 and section 302 of Pub. L. 98-577 pertaining to publication of proposed regulations (as implemented in FAR Subpart 1.5, Agency and Public Participation), solicitation of agency and public views on the proposed revision is not required. Since such solicitation is not required, the Regulatory Flexibility Act does not apply. Although such solicitation is not required, comments are invited.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the proposed changes to FAR 45.606-5 do not impose any additional reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 45

Government procurement.

Dated: August 25, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

PART 45—GOVERNMENT PROPERTY

Therefore, it is proposed that 48 CFR Part 45 be amended as set forth below:

1. The authority citation for Part 45 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

2. Section 45.606-5 is amended by revising paragraphs (e)(4)(i) and (e)(4)(ii) to read as follows:

45.606-5 Instructions for preparing and submitting schedules of contractor inventory.

* * * * *

(e) * * *

(4) * * *

(i) *Classification.* Use a new form for each general classification of special tooling and special test equipment.

(ii) *Description.* Furnish a description which will enable the plant clearance officer or screener to determine the appropriate disposition, including the potential for reutilization. Include tool nomenclature, tool number, related product part number, and function which the tool performs. Designate special tooling usable for maintenance programs by placing the letter "M" in the left-hand column, "For Use of Contracting Agency Only." Provide the end item application and a brief description of the test function for each unit of special test equipment.

* * * * *

[FR Doc. 86-19651 Filed 8-29-86; 8:45 am]
BILLING CODE 6820-61-M

48 CFR Parts 48 and 52

Federal Acquisition Regulation (FAR); Value Engineering

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to Federal Acquisition Regulation (FAR) Part 48, Value Engineering, as a result of recommendations received primarily from industry.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before November 3, 1986 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 86-33 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:
Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Background

Recommendations for changes to FAR Part 48 have been carefully reviewed and have resulted in revisions which appear in this proposed rule.

B. Regulatory Flexibility Act Analysis Summary

Economic Impact of Proposed Rule

Incorporation of the proposed rule in the FAR is not likely to result in a significant economic impact on a substantial number of small entities. However, information currently available is insufficient to permit a determination as to the extent of such economic impact, and comments that will permit a determination are hereby solicited.

Alternatives to the Proposed Rule

Consideration was given to alternatives such as those specified in section 603(c) of the Regulatory Flexibility Act. Such alternatives, however, will not permit the stated objectives of the rule to be accomplished.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the proposed changes to FAR Part 48 do not impose any additional reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 48 and 52

Government procurement.

Dated: August 25, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Parts 48 and 52 be amended as set forth below:

1. The authority citation for Parts 48 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

PART 48—VALUE ENGINEERING

2. Section 48.001 is amended by inserting in the first sentence of the definition "Acquisition savings" a period after the word "successor" and removing the remainder of the sentence;

by revising paragraph (b) of the definition "Acquisition savings"; by removing in paragraph (c) of the definition "Acquisition savings" the words "(but see 48.102(f))"; and by inserting in the definition "Sharing base" a period after the word "VECP" and removing the remainder of the sentence as follows:

48.001 Definitions.

* * * "Acquisition savings"

* * * * *

(b) Concurrent contract savings, which are net reductions in the prices of other contracts being performed at the time the VECP is accepted; and

* * * * *

3. Section 48.101 is amended by removing the third sentence of paragraph (b)(2) and inserting in its place two sentences to read as follows:

48.101 General.

* * * * *

(b) * * *

(2) * * * No VE sharing is permitted in architect-engineer contracts. All other contracts with a program clause share in savings on accepted VECP's, but at a lower percentage rate than under the voluntary approach. * * *

4. Section 48.102 is amended by removing the second sentence of paragraph (a); by revising paragraph (e); and by removing the first sentence of paragraph (f) as follows:

48.102 Policies.

* * * * *

(e) Generally, profit or fee on the instant contract should not be adjusted downward as a result of acceptance of a VECP. Profit or fee shall be excluded when calculating instant contract savings.

* * * * *

5. Section 48.103 is amended by removing the third and fourth sentences in paragraph (b) and inserting in their place five sentences to read as follows:

48.103 Processing value engineering change proposals.

* * * * *

(b) * * * The contractor may withdraw, in whole or in part, any VECP not accepted by the Government within the period specified in the VECP. Any VECP may be approved, in whole or in part, by a contract modification incorporating the VECP. Until the effective date of the contract modification, the contractor shall perform in accordance with the existing contract. If the Government accepts the VECP, but properly rejects units subsequently delivered or does not receive units on which a savings share was paid, the contractor shall reimburse the Government for the proportionate share of these payments. If the VECP is not accepted, the contracting officer shall provide the contractor with prompt written notification, explaining the reasons for rejection. * * *

* * * * *

6. Section 48.104–1 is amended by removing the last sentence of paragraph (a)(2); by removing in paragraph (a)(6) the words "(but see 48.102(e) and subparagraph (1) above)"; and by revising the second sentence of paragraph (b) as follows:

48.104–1 Sharing acquisition savings.

* * * * *

(b) * * * The Government's share of savings is determined by subtracting Government costs from instant contract savings and multiplying the result by (1) 45 percent for fixed-price contracts or (2) 75 percent for cost-reimbursement contracts. * * *

48.105 [Amended]

7. Section 48.105 is amended by inserting in the second sentence the words "to be" after the word "not".

8. Section 48.201 is amended by revising paragraph (f)(1); by removing in paragraph (f)(3) the words "on accepted VECP's"; and by removing paragraph (g) as follows:

48.201 Clauses for supply or service contracts.

* * * * *

(f) *Architect-engineer contracts.* (1) The clause at 52.248–1, Value Engineering, shall not be used in solicitations and contracts for architect-engineer services.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

9. Section 52.248–1 is amended by removing in the title of the clause the date "(APR 84)" and inserting in its place the date "(AUG 86)"; by removing the parenthetical phrase in paragraph (b) of the clause; by revising paragraph (b)(2); by removing in the second sentence of paragraph (b)(3) the word "all"; by inserting in the definition "Sharing base" a period after the word "VECP" and removing the remainder of the sentence; and by removing all the derivation lines following "(End of clause)" to read as follows:

52.248–1 Value engineering.

* * * * *

(b) * * *

(2) Concurrent contract savings, which are net reductions in the prices of other contracts being performed at the time the VECP is accepted; and

* * * * *

10. Section 52.248–3 is amended by inserting a colon in the first sentence of the introductory text following the word "clause" and removing the remainder of the paragraph; by removing in the title of the clause the date "(APR 1984)" and inserting in its place the date "(AUG 1986)"; by revising paragraphs (f)(1) and (f)(2)(iii); and by removing the derivation line following "(End of clause)" to read as follows:

52.248–3 Value engineering—Construction.

* * * * *

(f) *Sharing.* (1) *Rates.* The Government's share of savings is determined by subtracting Government costs from instant contract savings and multiplying the result by (i) 45 percent for fixed-price contracts or (ii) 75 percent for cost-reimbursement contracts.

(2) * * *

(iii) Provide the Contractor's share of savings by adding the amount calculated to the contract price or fee.

* * * * *

[FR Doc. 86–19306 Filed 8–29–86; 8:45 am]

BILLING CODE 6820–01–M

federal register

Tuesday
September 2, 1986

Part IV

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for May 1986; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53086; FRL-3062-2]

Premanufacture Notices; Monthly Status Report for May 1986

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for May 1986.

Nonconfidential portions of the PMNs may be seen in Rm. NE-G007 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53086]:" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during May; (b) PMNs received previously and still under review at the end of May; (c) PMNs for which the notice review period has ended during May; (d) chemical substances for which EPA has received a notice of commencement to manufacture during May; and (e) PMNs for which the review period has been suspended. Therefore, the May 1986 PMN Status Report is being published.

Dated: July 24, 1986.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, May 1986

I. 171 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
P 86-970	Generic name: Unsaturated ether urethane containing cationic salt of a defunctionalized epon resin	51 FR 17232 (17234) (5/9/86)	July 29, 1986.
P 86-971	Generic name: Unsaturated ether urethane containing cationic salt of a defunctionalized epon resin	51 FR 17232 (17234) (5/9/86)	Do.
P 86-972	Generic name: Unsaturated ether urethane containing cationic salt of a defunctionalized epon resin	51 FR 17232 (17234) (5/9/86)	Do.
P 86-973	Generic name: Allyl ether ester of an unsaturated fatty acid	51 FR 17232 (17234) (5/9/86)	Do.
P 86-974	Generic name: Isophorone diisocyanate urethane formed from a beta-hydroxy ester of an unsaturated fatty acid	51 FR 17232 (17234) (5/9/86)	Do.
P 86-975	Generic name: Diisocyanate polymer with polyether polyols	51 FR 17232 (17234) (5/9/86)	Do.
P 86-976	Generic name: Diisocyanate	51 FR 17232 (17234) (5/9/86)	Do.
P 86-977	Generic name: Polymer with polyether polyols	51 FR 17232 (17235) (5/9/86)	Do.
P 86-978	Generic name: Oxygenated alkyl benzene, metalloid ester	51 FR 17232 (17235) (5/9/96)	Do.
P 86-979	Generic name: Reaction product of aromatic aldehyde with oxygenated aromatic alkyl benzene, metaloid ether	51 FR 17232 (17235) (5/9/86)	Do.
P 86-980	Generic name: Imidazolidine amide carboxylate complex	51 FR 18037 (5/16/86)	July 30, 1986.
P 86-981	Generic name: Alkylphosphatoalkyl titanate	51 FR 18037 (5/16/86)	Do.
P 86-982	Generic name: Prepolymer modified MDI	51 FR 18037 (18038) (5/16/86)	Do.
P 86-983	Generic name: Magnesium salt of alkenyl succinic acid	51 FR 18037 (18038) (5/16/86)	Aug. 2, 1986.
P 86-984	Generic name: Alkyl ester capped urea compound	51 FR 18037 (18038) (5/16/86)	Do.
P 86-985	2,4'-Dihydroxy-1,1'azobisnaphthalene-3,4'-trisulfonic acid	51 FR 18037 (18038) (5/16/85)	Do.
P 86-986	Generic name: Hydrocarbon resin	51 FR 18037 (18038) (5/16/86)	Aug. 3, 1986.
P 86-987	Generic name: Alkyl alcohol, alkoxylated	51 FR 18037 (18038) (5/16/86)	Do.
P 86-988	Generic name: Substituted copper phthalocyanine salts	51 FR 18037 (18038) (5/16/86)	Do.
P 86-989	Substituted copper phthalocyanine salts	51 FR 18037 (18038) (5/16/86)	Do.
P 86-990	Generic name: Starch, dihydrogen phosphate, disubstituted alkyl ether	51 FR 18037 (18038) (5/16/86)	Do.
P 86-991	Generic name: Alkoxylated aromatic, alkenoate ester	51 FR 18037 (18038) (5/16/86)	Do.
P 86-992	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18038) (5/16/86)	Do.
P 86-993	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18038) (5/16/86)	Do.
P 86-994	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18038) (5/16/86)	Do.
P 86-995	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18038) (5/16/86)	Do.
P 86-996	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18038) (5/16/86)	Do.
P 86-997	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-998	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-999	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1000	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1001	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1002	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1003	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1004	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/96)	Do.
P 86-1005	Generic name: Dibasic-acid/glycol ester	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1006	Generic name: Alkylaluminum compound	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1007	Generic name: Acrylated functional polysiloxane	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1008	Generic name: Terephthalic mixed glycol ester	51 FR 18037 (18039) (5/16/86)	Aug. 4, 1986.
P 86-1009	Polymer of isobutyl acrylate, 2-ethyl hexyl acrylate, methyl methacrylate, acrylic acid	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1010	Generic name: Polyester of aliphatic polyol, rosin, linseed oil and aromatic dibasic acid	51 FR 18037 (18039) (5/16/86)	Do.
P 86-1011	Generic name: Substituted carbopolycycle sulfonate of substituted phenyl azo substituted heteromonocycle	51 FR 18037 (18040) (5/16/86)	Aug. 5, 1986.
P 86-1012	Mixed $C_3/C_4/C_7$, dimer and C_3/C_4 ethers; (gases, extractive, C_4-C_6, amylene rich, reaction products with olefins, and methanol, distillation residues).	51 FR 18037 (18040) (5/16/86)	Do.
P 86-1013	Generic name: Mixed $C_3/C_4/C_7$, dimer and C_3/C_4 ethers; (gases, extractive, C_4-C_6, amylene rich, reaction products with olefins, and methanol, distillation residues).	51 FR 18037 (18040) (5/16/86)	Do.
P 86-1014	Generic name: Substituted phosphine oxide	51 FR 18958 (5/23/86)	Aug. 6, 1986.
P 86-1015	Generic name: Substituted phosphine oxide	51 FR 18958 (5/23/86)	Do.
P 86-1016	N,N-Dimethylaminopropylacrylamide	51 FR 18958 (5/23/86)	Aug. 9, 1986.
P 86-1017	Generic name: Isocyanate polymer with polyalkyloxy compound, substituted propanoic acid, and a diamine	51 FR 18958 (5/23/86)	Do.
P 86-1018	Generic name: Unsaturated polyester resin from dibasic acids and polyols	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1019	Generic name: Cyclotetra(2-hydroxy-5-tert-butyl-benzene	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1020	Generic name: Hydroxymethyl tetramer of substituted phenol	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1021	Generic name: Transition metal trichalcogenide	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1022	Polymer of acetoacetate of hydroxy ethyl methacrylate, methyl methacrylate, styrene, butyl methacrylate	51 FR 18958 (18959) (5/23/86)	Do.

I. 171 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 86-1023	Polymer of dipropylene glycol, diethylene glycol, ethylene glycol, trimethylol propane, phthalic anhydride, terephthalic acid, tall oil fatty acid.	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1024	Generic name: Acrylic polyelectrolyte	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1025	Generic name: Acrylic polyelectrolyte	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1026	Generic name: Alkyl esters	51 FR 18958 (18959) (5/23/86)	Aug. 10, 1986.
P 86-1027	Generic name: Alkyl esters	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1028	2,6-Dimethyl naphthalene	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1029	Generic name: Aromatic terpene phenol resin	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1030	Generic name: Aromatic hydrocarbons, phenol polymer	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1031	Generic name: Hydroxyl containing acrylic copolymer	51 FR 18958 (18959) (5/23/86)	Do.
P 86-1032	Generic name: Functionalized acrylic-vinyl aromatic copolymer	51 FR 18958 (18960) (5/23/86)	Do.
P 86-1033	Generic name: Modified acrylic-vinyl aromatic copolymer	51 FR 18958 (18960) (5/23/86)	Do.
P 86-1034	Generic name: Maleated, phenolic rosin ester, calcium salt	51 FR 18958 (18560) (5/23/86)	Aug. 11, 1986.
P 86-1035	Generic name: Polymer of aromatic diisocyanate, aliphatic diacid and alkanediols	51 FR 18958 (18560) (5/23/86)	Do.
P 86-1036	Generic name: Cyanoacrylate ester polymer	51 FR 18958 (18560) (5/23/86)	Do.
P 86-1037	Generic name: Polyfunctional methacrylate of polyisocyanate adduct of alkoxylated polyol	51 FR 18958 (18560) (5/23/86)	Aug. 12, 1986.
P 86-1038	Generic name: Oxime blocked polyether urethane	51 FR 18958 (18560) (5/23/86)	Do.
P 86-1039	Generic name: Polyurethane	51 FR 18958 (18560) (5/23/86)	Do.
P 86-1040	Vinyl toluene alkyd	51 FR 18958 (18560) (5/23/86)	Do.
P 86-1041	Generic name: Amine salt	51 FR 18958 (18560) (5/23/86)	Do.
P 86-1042	Mixed mono- and di-phosphate esters of IH-imidazole propanoic acid, 4,5-dihydro-1-(2-hydroxyethyl)-, 2-undecyl mixed di- and tri-potassium salt.	51 FR 18958 (18560) (5/23/86)	Do.
P 86-1043	Generic name: Monosubstituted alkoxyaminotriazine	51 FR 20706 (6/6/86)	Aug. 13, 1986.
P 86-1044	Generic name: Monosubstituted alkoxyaminotriazine	51 FR 20706 (6/6/86)	Do.
P 86-1045	Generic name: Hydroxy ester	51 FR 20706 (6/6/86)	Aug. 16, 1986.
P 86-1046	Dialkyl carbamate	51 FR 20706 (6/6/86)	Do.
P 86-1047	Polyaminoamide	51 FR 20706 (6/6/86)	Do.
P 86-1048	N,N-dimethylethanedithioamide	51 FR 20706 (6/6/86)	Do.
P 86-1049	Acetic acid, cyano-2-ethoxyethyl ester	51 FR 20706 (6/6/86)	Do.
P 86-1050	Di(phenoxyethyl)formal	51 FR 20706 (6/6/86)	Aug. 17, 1986.
P 86-1051	Generic name: Polyether urethane polymer	51 FR 20706 (6/6/86)	Do.
P 86-1052	Generic name: Siloxane, dimethyl, dihydroxyalkyl, terminated reaction product with oxepanone	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1053	Generic name: Siloxane, dimethyl, dihydroxyalkyl, terminated reaction product with oxepanone	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1054	Generic name: Substituted polyacrylamide	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1055	Generic name: Polyester urethane methacrylate blocked	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1056	Generic name: Polyester urethane methacrylate blocked	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1057	Generic name: Poly-[(alkoxycarbonyl)-alkyl]polysulfide	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1058	Generic name: Poly-(alkyl)polysulfide	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1059	Generic name: Acrylate capped brominated polyether ester of benzophenonetetracarboxylic dianhydride	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1060	Generic name: Heterocyclic aminal	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1061	Generic name: Alkoxylated terephthalate glycol ester polymer	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1062	Generic name: Butadiene/bound antioxidant copolymer	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1063	Generic name: AMPS copolymer	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1064	Generic name: Alkyl methacrylate copolymer	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1065	Generic name, Vinyl heterocycle alkyl methacrylate copolymer	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1066	Generic name: Vinyl heterocycle alkyl methacrylate copolymer	51 FR 20706 (20707) (6/6/86)	Do.
P 86-1067	Generic name: Saturated polyester	51 FR 20706 (20708) (6/6/86)	Aug. 18, 1986.
P 86-1068	Generic name: Cyanoacrylate ester polymer	51 FR 20706 (20708) (6/6/86)	Do.
P 86-1069	Generic name: Substituted ketone	51 FR 20706 (20708) (6/6/86)	Do.
P 86-1070	2-Naphthalenesulfonic acid, 7,7'-[(2,4,6-trimethyl-5-sulfo-1,3-phenylene)bis(imino(6-chloro-1,3,5-triazine 4,2-diyl)imino)]bis[4-hydroxy-3-[(4-methoxy-2-sulfophenyl)azo], pentasodium salt.	51 FR 20706 (20708) (6/6/86)	Aug. 19, 1986.
P 86-1071	Benzonic acid, 2-[(2-cyanoethyl)amino]-5-[(5-nitro-2-triazolyl)azo]-2-(2-methylpropoxy)ethyl ester	51 FR 20706 (20708) (6/6/86)	Do.
P 86-1072	Generic name: Substituted alkyl phosphine	51 FR 20706 (20708) (6/6/86)	Do.
P 86-1073	Generic name: Substituted aromatic polymer	51 FR 21241 (6/11/86)	Aug. 20, 1986.
P 86-1074	Generic name: Aqueous polyurethane dispersion	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1075	Generic name: Sulfated oil, sodium salts	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1076	Generic name: Alkyl esters sulfated, sodium salts	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1077	Generic name: Alkyl esters sulfated, sodium salts	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1078	Generic name, Alkyl phosphates, mono- and di-esters, salts with amine and potassium hydroxide	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1079	Generic name: Polyether-modified polyester polyol	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1080	Cuprate (4-), [5-(acetylamino)-4-hydroxy-3-[5-hydroxy-6-[[2-hydroxy-4-[[2-(sulfooxy)ethyl] sulfonyl]phenyl]azo]-7-sulfo-2-naphthalenyl]azo-2,7-naphthalene disulfonate (6-)]-tetrasodium salt.	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1081	Generic name: Halogenated aromatic substituted alkane	51 FR 21241 (21242) (6/11/86)	Aug. 24, 1986.
P 86-1082	Generic name: Halogenated aromatic substituted olefin	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1083	Generic name: Modified hydrocarbon resin	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1084	Generic name: Modified phenolic resin	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1085	Generic name: Yellow azo dye	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1086	Generic name: Yellow azo dye	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1087	Isopropylethanolamine linked epon 828/vibrathane B602 epoxy urethane resin	51 FR 21241 (21242) (6/11/86)	Do.
P 86-1088	Generic name: Urethane acrylate with pendant hydroxy and carboxy groups	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1089	Generic name: Potassium alkenyl succinate	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1090	Generic name: Fatty acid modified polyester acrylate	51 FR 21241 (21243) (6/11/86)	Aug. 25, 1986.
P 86-1091	Generic name: Mixed glycol and oligoester of aromatic and aliphatic dicarboxylic acids	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1092	Generic name: Polyester of alkane dicarboxylic acid, alkanediols and benzene polycarboxylic acid derivative	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1093	Generic name: Fatty acid modified polyester	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1094	Generic name: Alkanes, polymers with lard oil, sulfurized	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1095	Generic name: Aryliminonaphthalenone	51 FR 21241 (21243) (6/11/86)	Aug. 26, 1986.
P 86-1096	Generic name: Substituted naphthol	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1097	Generic name: Alkyl substituted vinyl polymer	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1098	Generic name: Substituted nitrobenzoic acid, derivative	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1099	Generic name: Substituted aminobenzoic acid, derivative	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1100	Generic name: Hydroxylated amine resin	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1101	Generic name: Polyether polyurethane	51 FR 21241 (21243) (6/11/86)	Do.
P 86-1102	Generic name: Fatty acid modified polyester	51 FR 21241 (21244) (6/11/86)	Do.
P 86-1103	Generic name: Rosin modified fumaric resin	51 FR 21241 (21244) (6/11/86)	Do.
P 86-1104	Poly(oxy-1,4-butanediyl), alpha-(4-nitrobenzoyl)-beta-((4-nitro-benzoyl)oxy)-hydrogen	51 FR 21241 (21244) (6/11/86)	Do.
P 86-1105	Generic name: Allyl alcohol ester of acetoacetic acid	51 FR 21795 (6/16/86)	Do.
P 86-1106	Acetic acid, cyano-, butyl ester	51 FR 21795 (6/16/86)	Do.
P 86-1107	Generic name: Substituted naphthalene	51 FR 21795 (6/16/86)	Do.
P 86-1108	Generic name: Modified acrylate terpolymer	51 FR 21795 (6/16/86)	Do.
P 86-1109	Generic name: Modified acrylate terpolymer	51 FR 21795 (6/16/86)	Do.
Y 86-131	Generic name: Modified styrenated acrylic terpolymer	51 FR 18040 (5/16/86)	May 22, 1986.

I. 171 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
Y 86-132	Generic name: Polyester of carbomonocyclic acid, sulfonated carbomonocyclic ester, alkylene glycol cycloalkylene glycol styrenated acrylic terpolymer.	51 FR 18040 (5/16/86)	Do.
Y 86-133	A crosslinked poly(2-propenoic acid, butyl ester) core//crosslinked polystyrene	51 FR 18040 (5/16/86)	May 25, 1986.
Y 86-134	Generic name: Polyurethane	51 FR 18040 (5/16/86)	May 26, 1986.
Y 86-135	Generic name: Polyester resin	51 FR 18040 (5/16/86)	Do.
Y 86-136	Generic name: Polyurethane resin	51 FR 18040 (5/16/86)	Do.
Y 86-137	Generic name: Polyester resin	51 FR 18040 (5/16/86)	Do.
Y 86-138	Generic name: Polyester	51 FR 18040 (18041) (5/16/86)	Do.
Y 86-139	Generic name: Polyester of alkane, dicarboxylic acid, alkanediol and benzene polycarboxylic acid, derivative	51 FR 18040 (18041) (5/16/86)	May 27, 1986.
Y 86-140	Generic name: Polyester of carbomonocyclic acid or ester alkylene glycols, and sulfonated carbomonocyclic ester	51 FR 18040 (18041) (5/16/86)	Do.
Y 86 141	Generic name: Polyester of carbomonocyclic acid or ester alkylene glycols, and sulfonated carbomonocyclic ester	51 FR 18040 (18041) (5/16/86)	Do.
Y 86-142	Generic name: Polyester of carbomonocyclic acid or ester alkylene glycols, and sulfonated carbomonocyclic ester	51 FR 18040 (18041) (5/16/86)	Do.
Y 86-143	Generic name: Polyester of carbomonocyclic acid or ester alkylene glycols, and sulfonated carbomonocyclic ester	51 FR 18040 (18041) (5/16/86)	Do.
Y 86-144	Generic name: Acrylic latex	51 FR 18040 (18041) (5/16/86)	Do.
Y 86-145	Generic name: Isocyanate polymer with polyalkyloxy compound, substituted propanoic acid, and a diamine	51 FR 18957 (18958) (5/23/86)	June 1, 1986.
Y 86-146	Generic name: Water roducible air-dry alkyd resin	51 FR 18957 (18958) (5/23/86)	Do.
Y 86-147	Generic name: Ethylene interpolymer	51 FR 18957 (18958) (5/23/86)	June 4, 1986.
Y 86-148	Generic name: Polymer from poly(alkylene ether) glycol and methylene bis-cyclohexyl isocyanate	51 FR 18957 (18958) (5/23/86)	Do.
Y 86-149	Generic name: Silicone polyester	51 FR 20705 (6/6/86)	June 9, 1986.
Y 86-150	Generic name: 2-Propenoic acid copolymer, potassium salt	51 FR 20705 (6/6/86)	June 8, 1986.
Y 86-151	Generic name: 2-Propenoic acid copolymer, alkali metal salt	51 FR 20705 (6/6/86)	Do.
Y 86-152	Generic name: Thermoplastic elastomer	51 FR 21240 (6/11/86)	June 16, 1986.
Y 86-153	Polymer of rosin, maleic anhydride, pentaerythritol, dodecylphenol, paraformaldehyde, dimerized fatty acids	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-154	Polymer of rosin, maleic anhydride, pentaerythritol, dodecylphenol, paraformaldehyde, dimerized fatty acids	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-155	Polymer of rosin, polymerized rosin, maleic anhydride, pentaerythritol, dodecylphenol, paraformaldehyde, dimerized fatty acids.	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-156	Generic name: Unsaturated polyester resin	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-157	Generic name: Polyester resin	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-158	Generic name: Polymethacrylic resin	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-159	Generic name: Polyester resin	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-160	Generic name: Branched saturated polyester resin containing hydroxyl groups	51 FR 21240 (21241) (6/11/86)	Do.
Y 86-161	Generic name: Thermoplastic polyamide resin	51 FR 21240 (21241) (6/11/86)	Do.

II. 149 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.

P 86-821
P 86-822
P 86-823
P 86-824
P 86-825
P 86-826
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P 86-570

III.168 Premanufacture Notices for Which the Notices Review Period Has Ended During the Month (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.

P 84-392
P 85-236
P 85-1180
P 85-1181
P 85-1182
P 86-84
P 86-544
P 86-468
P 86-469
P 86-470

P 86-571	P 86-581	P 86-591	P 86-601	Y 86-127	Y 86-136
P 86-572	P 86-582	P 86-592	Y 86-118	Y 86-128	Y 86-137
P 86-573	P 86-583	P 86-593	Y 86-119	Y 86-129	Y 86-138
P 86-574	P 86-584	P 86-594	Y 86-120	Y 86-130	Y 86-139
P 86-575	P 86-585	P 86-595	Y 86-121	Y 86-131	Y 86-140
P 86-576	P 86-586	P 86-596	Y 86-122	Y 86-132	Y 86-141
P 86-577	P 86-587	P 86-597	Y 86-123	Y 86-133	Y 86-142
P 86-578	P 86-588	P 86-598	Y 86-124	Y 86-134	Y 86-143
P 86-579	P 86-589	P 86-599	Y 86-125	Y 86-135	Y 86-144
P 86-580	P 86-590	P 86-600	Y 86-126		

IV. 86 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture

PMN No.	Identity/generic name	Date of commencement
P 80-215	Generic name: Styrene-Acrylate copolymer	May 1, 1986.
P 81-142	4-(4-Morpholinyl)2,5-dibutyloxybenzenediazonium, 5-sulfoisophthalate	Do.
P 83-1079	2-(3-Heptyloxy) acetic acid	Apr. 9, 1986.
P 84-628	Generic name: Modified methacrylate copolymer	Apr. 14, 1986.
P 84-853	Generic name: Aromatic sulfonate of substituted phenylazo substituted heteromonocycle	May 12, 1986.
P 84-1178	Generic name: Phenolic modified rosin ester	Mar. 31, 1986.
P 85-112	Generic name: Alkanediol-maleic anhydride copolymer	Apr. 21, 1986.
P 85-174	Generic name: Alkenyl substituted carbomonocyclic alkenyl ether	Apr. 28, 1986.
P 85-224	Generic name: Polyester polyol	Apr. 4, 1986.
P 85-262	Generic name: Substituted terpene resin	May 22, 1986.
P 85-298	Generic name: Amino acrylate monomer	Apr. 18, 1986.
P 85-334	Generic name: Aromatic dinitro compound	May 6, 1986.
P 85-335	Generic name: Aromatic diamine	May 12, 1986.
P 85-506	Generic name: Inorganic complex of rosin	May 22, 1986.
P 85-639	Generic name: Substituted polyglycol	May 2, 1986.
P 85-663	Generic name: Pyrrolopyrrol	Apr. 17, 1986.
P 85-680	Generic name: 1,1-Dimethylpropyl peroxyester	Apr. 15, 1986.
P 85-705	Generic name: Substulfted polyglycol	Apr. 29, 1986.
P 85-800	Generic name: Sodium salt of polycarboxylic acid	Apr. 24, 1986.
P 85-804	2-Methyl-6-quinolinamine hydrochloride	Mar. 18, 1986.
P 85-805	2-Methyl-6-quinolinamine	Mar. 7, 1986.
P 85-806	2-Methyl-6-nitroquinoline	Feb. 26, 1986.
P 85-829	Generic name: Isothiocyanate of a substituted polycyclic compound	Mar. 20, 1986.
P 85-832	Generic name: Polyester resin	Mar. 7, 1986.
P 85-880	Generic name: Sodium bisulfite, reaction product with an epoxidized natural oil	Apr. 11, 1986.
P 85-894	Generic name: Epoxidized natural oil	Apr. 9, 1986.
P 85-947	Generic name: Polysubstituted benzene	May 1, 1986.
P 85-1034	Generic name: Nickel acrylate complex	Do.
P 85-1069	Generic name: Copper phthalocyanato-, poly[[alkyl- monohydroxyethyl imidazolium] methylene]derivative, compound with alkanoate	Apr. 14, 1986.
P 85-1070	Generic name: Copper phthalocyanato-, poly[[alkyl bis-hydroxyethyl imidazolium]methylene] derivative, compound with alkanoate	Do.
P 85-1093	Generic name: Trisubstituted methanaminium salt	Apr. 4, 1986.
P 85-1140	Generic name: Alkyd resin additive	Apr. 29, 1986.
P 85-1312	Isononanoic acid, sodium salt	Nov. 5, 1986.
P 85-1324	Generic name: Sulfurized ester	May 12, 1986.
P 85-1397	Generic name: Acrylic copolymer latex	May 1, 1986.
P 85-1401	Generic name: Disubstituted phenylazo disubstituted naphthalenesulfonic acid, substituted alkyl amine salt	Apr. 23, 1986.
P 85-1402	Generic name: Substituted phenylazo disubstituted naphthalenesulfonic acid, salt	Apr. 8, 1986.
P 85-1432	Generic name: Substituted N,N-dialkyl-m-anisidine	Apr. 9, 1986.
P 85-1443	Chromate (7-) bis[1-[4-[[3-(acetylamino]-4-[4,8-disulfo-2-naphthalenyl)azo]phenyl]amino]-6-[[6-[(2-carboxyphenyl)-azo]-5-hydroxy-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl]-3-carboxypyridiniumato(6-)]-, heptasodium, dihydrate.	Apr. 30, 1986.
P 85-1460	Polymer of bis-(4-phenoxyphenyl) methanone and 1,4-benzenedicarbonyl dichloride	May 16, 1986.
P 85-1461	Bis(4-phenoxyphenyl) methanone	Do.
P 85-1464	Generic name: Substituted pyrazol azo benzene sulfonic acid	Apr. 24, 1986.
P 86-83	3-Chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-benzenamine	Apr. 22, 1986.
P 86-125	Generic name: Water-based polyurethane lacquer	May 7, 1986.
P 86-211	Generic name: Aryl cycloalkyl polyamide	May 20, 1986.
P 86-252	Generic name: Polyoxyalkylene-, polymethylalkyl- polysiloxane	Apr. 25, 1986.
P 86-253	Generic name: N-butyl-2-ethylhexylacrylate copolymer	Do.
P 86-267	Generic name: Polymer of fatty acids, C_{16-18} and C_{18} unsaturated, isophthalic acid, trimethylolethane and other carboxylic acids	May 5, 1986.
P 86-278	Generic name: Modified acrylic polymer	Apr. 23, 1986.
P 86-290	Sodium aluminum tetrafluoride	Apr. 29, 1986.
P 86-308	Generic name: Triazolium azo dye	Apr. 22, 1986.
P 86-312	Generic name: Amine salt of partial ester of phosphoric acid	Apr. 27, 1986.
P 86-319	Generic name: Acrylic emulsion	Mar. 23, 1986.
P 86-340	Generic name: Substituted zinc benzoate	Apr. 24, 1986.
P 86-364	Generic name: Aryl substituted lactone	Apr. 8, 1986.
P 86-395	Generic name: Aromatic polyamide	May 9, 1986.
P 86-406	Generic name: Water reducible acrylic copolymer alkyd	Apr. 22, 1986.
P 86-407	Generic name: Site-limited alkyd resin	Do.
P 86-409	Generic name: Substituted arylalkylene dicarboxylate	Apr. 25, 1986.
P 86-422	Generic name: Modified polycarbonate	May 20, 1986.
P 86-432	Generic name: Modified metal chloride	Apr. 30, 1986.
P 86-437	Generic name: Trimethyl-silyl blocked hydroxymethylmethacrylate	May 7, 1986.
P 86-447	Generic name: Tricyclic olefinic hydrocarbons	Apr. 30, 1986.
P 86-452	Generic name: Polymer of benzenedicarboxylic acids, alkanediol, alkanedicarboxylic acid and benzenetricarboxylic acid	May 16, 1986.
P 86-461	Generic name: Dehydrated castor oil alkyd resin	Apr. 30, 1986.
P 86-463	Generic name: Acrylic resin	Do.
P 86-464	Generic name: Acrylic resin	Do.
P 86-465	Generic name: Blocked polyamine	May 1, 1986.
P 86-496	Benzoic acid, 4-[[[[4-ethoxycarbonyl)phenyl]- amino]methylene]-amino]-ethyl ester	May 16, 1986.
P 86-514	Generic name: Acrylic resin solution	May 11, 1986.
P 86-515	Generic name: Acrylic resin solution	Do.
P 86-553	Benzoic acid, 4-[[(methylphenylamino)methylene]]- ethyl ester	May 23, 1986.
P 86-556	Generic name: Butylaminosilane	May 19, 1986.
P 86-561	Generic name: Modified styrenated acrylic water resin	May 21, 1986.
Y 86-85	Generic name: Alkyd resin	May 1, 1986.
Y 86-90	Generic name: Polyester resin	Apr. 16, 1986.
Y 86-91	Generic name: Polyester resin	Apr. 17, 1986.

IV. 86 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
Y 86-107	Generic name: Styrene-n-butylacrylate-polymer	May 15, 1986.
Y 86-115	Generic name: Polyester polyol	Mar. 31, 1986.
Y 86-118	Generic name: Water soluble acrylate random copolymer	May 5, 1986.
Y 86-119	Generic name: Water soluble acrylate random copolymer	Do.
Y 86-120	Generic name: Water soluble acrylate random copolymer	Do.
Y 86-121	Generic name: Styrene-acrylate random copolymer emulsion	Do.
Y 86-128	Generic name: Linear saturated polyester resin containing hydroxyl groups	May 20, 1986.
Y 86-129	Generic name: Linear saturated polyester resin containing hydroxyl groups	Do.
Y 86-130	Generic name: Branched saturated polyester resin containing hydroxyl groups	Do.

V. 29 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No	Identity/generic name	FR citation	Date suspended
P 85-929	Generic name: Alkylated aromatic diamine	50 FR 20596 (20599) (5/17/85)	May 28, 1986.
P 85-1307	Generic name: Alkenoic acid, trisubstituted-benzyl disubstituted phenyl ester	50 FR 33630 (33631) (8/20/85)	May 1, 1986.
P 85-1388	Generic name: Vinyl chloride-vinyl acetate hydroxyl modified copolymer	50 FR 36669 (9/9/85)	May 21, 1986.
P 85-1420	Generic name: Substituted allyl aniline	50 FR 38194 (38196) (9/20/85)	May 1, 1986.
P 86-38	Generic name: Organosilazane	50 FR 42773 (42774) (10/22/85)	May 5, 1986.
P 86-39	Generic name: Organosilazane	50 FR 42773 (42774) (10/22/85)	Do.
P 86-476	Generic name: Substituted ammonium carboxylate	51 FR 5592 (5593) (2/14/86)	May 25, 1986.
P 86-477	Generic name: 1,4-Benzenedisulfonic acid, 2,2'-[1,2-ethanediyl] bis[3-sulfo-4,1-phenylene]imino[6-[(disubstituted)-imino]-l,2,3,5-triazine-4,2-diyl]bis-, hexasodium salt.	51 FR 5592 (5593) (2/14/86)	May 13, 1986.
P 86-478	Generic name: 1,4-Benzenedisulfonic acid, 2,2'-[1,2-ethanediyl] bis[3-sulfo-4,1-phenylene]imino[6-[(disubstituted)-imino]-1,2,3,5-triazine-4,2-diyl]] bis-, hexasodium salt.	51 FR 5592 (5593) (2/14/86)	Do.
P 86-500	Generic name: Tetraglycidylamine	51 FR 6310 (6311) (2/21/86)	May 22, 1986.
P 86-501	Generic name: Aromatic diamine	51 FR 6310 (6311) (2/21/86)	Do.
P 86-502	Generic name: Tetraglycidylamine	51 FR 6310 (6311) (2/21/86)	Do.
P 86-503	Generic name: Aromatic diamine	51 FR 6310 (6311) (2/21/86)	Do.
P 86-504	Generic name: Alkaline metal salt of mercapto substituted heterocycle	51 FR 6310 (6311) (2/21/86)	May 5, 1986.
P 86-530	Generic name: Substituted acetic acid, mixed sodium and potassium salts	51 FR 6310 (6313) (2/21/86)	May 28, 1986.
P 86-531	Generic name: Substituted acetic acid, potassium salt	51 FR 6310 (6313) (2/21/86)	Do.
P 86-532	Generic name: Substituted acetic acid, sodium salt	51 FR 6310 (6313) (2/21/86)	Do.
P 86-533	Generic name: Substituted acetic acid	51 FR 6310 (6313) (2/21/86)	Do.
P 86-542	N-nitrosophenylhydroxylamine, ethanol amine salt	51 FR 7118 (2/28/86)	May 12, 1986.
P 86-549	Generic name: Acrylate modified alicyclic urethane	51 FR 7118 (7119) (2/28/86)	May 13, 1986.
P 86-554	Poly(oxy-1,2-ethanediyl), alpha-(1-oxo-2-propenyl)-omega-(dodecyloxy)-	51 FR 7118 (7119) (2/28/86)	May 12, 1986.
P 86-559	Generic name: Lithium hyperoxoperborate	51 FR 7118 (7120) (2/28/86)	Do.
P 86-566	1-Decanamine, N-decyl-N-methyl-N-oxide	51 FR 8009 (8010) (3/7/86)	May 13, 1986.
P 86-588	Poly(oxy-1,2-ethanediyl), alpha-2-methyl-1-oxo-2-propenyl-beta-(dodecyloxy)-	51 FR 8009 (8012) (3/7/86)	May 12, 1986.
P 86-592	Generic name: 1,3,5-Naphthalenetri-sulfonic acid-7[[4-[[4-[(4-substituted-6-halo-, 1,3,5-triazin-2-yl)amino]phenyl] azo]substituted phenyl]azo]-, mixed sodium and potassium salts.	51 FR 8889 (3/14/86)	May 28, 1986.
P 86-608	Generic name: Alkylsilylurethane	51 FR 8889 (8891) (3/14/86)	May 27, 1986.
P 86-626	Generic name: Ethanol, 2,2'-[[3-chloro-4-[[4-[functionalized alkenyl]phenyl]-azo]phenyl]imino]bis-, bis(hydrogen sulfate) ester, sodium salt.	51 FR 8889 (8892) (3/14/86)	May 28, 1986.
P 86-627	Poly(oxy-1,2-ethanediyl), alpha-1-oxo-isononyl-omega-hydroxy	51 FR 8889 (8892) (3/14/86)	Do.
P 86-629	Generic name: Aminocarboxylic acid, alkaline salt	51 FR 8889 (8892) (3/14/86)	Do.

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Part V

Federal Communications Commission

47 CFR Part 80 et al.

Maritime Radio Service; Final Rules and Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 80, 81, 83

[PR Docket No. 85-145; FCC 86-141]

Maritime Radio Services

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

SUMMARY: The FCC revises and reorganizes the existing Parts 81 and 83 of the rules governing the maritime radio services into a new Part 80. This action is part of the FCC's ongoing effort to review, simplify and clarify its regulations. The intended effect of this action is to eliminate unnecessary rules and language and improve the organization of the regulations governing the maritime radio services.

EFFECTIVE DATE: October 2, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert Mickley, Robert DeYoung or William Berges, Private Radio Bureau, Aviation and Marine Branch, Washington, DC 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in PR Docket 85-145, FCC 86-141, Adopted April 3, 1986, and Released April 25, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. On May 24, 1985, the FCC released a Notice of Proposed Rule Making (Notice) in PR Docket No. 85-145, 50 FR 23454, proposing to consolidate the maritime rules which are currently contained in Parts 81 and 83. This not only reduced the redundancy now contained in the two parts, but also provided an opportunity to improve the organization of the maritime rules, eliminate unnecessary language and review each rule under the guidelines of the Regulatory Flexibility Act, Pub. L. 96-354, and the Paperwork Reduction Act, Pub. L. 96-611. The new Part 80 reduces the size of the maritime rules by approximately 40 percent.

2. The comments were unanimously supportive of the effort to rewrite and reorganize the marine rules. Two commenters, Sperry and Tideland limited their specific comments to the radar and racon provisions of Part 80. Gearhart devoted the bulk of its comments to the subject of the licensing and scope of service of portable ship earth stations. This subject is beyond the scope of this proceeding, but will be addressed in a separate proceeding in the future.

3. Other than the issues mentioned above, three areas of controversy were identified in the comments. These concerned (1) whether type acceptance of equipment for compulsory ships is an adequate substitute for type approval, (2) whether the deletion of the requirement for radar maintenance records is advisable, and (3) whether the emission designators are correct. The Radio Officers Union, District 3 of the National Marine Engineers' Beneficial Association (ROU) opposed type acceptance of compulsory ship equipment, contending this equipment should be held to the highest standard of authorization. The American Institute of Merchant Shipping (AIMS) supported the proposal, arguing that type acceptance is a process shipboard safety equipment and that type acceptance should lead to more rapid equipment authorization. The FCC concluded that type acceptance is an adequate means of authorizing maritime equipment. Type acceptance is consistent with the equipment authorization program for other compulsory and voluntary equipment and would have no effect on safety.

4. The ROU also opposed the proposal to eliminate the requirement contained in § 83.405(b) for ships subject to the Safety Convention to keep a record of installation and maintenance of radar stations. ROU argued that the requirement is not burdensome, the records are useful and consistent with the recommendations of the International Maritime Organization (IMO). AIMS supported the proposal and pointed out that the IMO recommendations are nonbinding. The FCC stated that the rule was not necessary for regulatory or safety purposes and therefore it would be eliminated as proposed. If the information is useful, the records can continue to be kept in whatever form is convenient.

5. The Radio Technical Commission for Maritime Services (RTCM) pointed out instances where the new system of emission designation adopted in the implementation of the Third Report and Order in General Docket No. 80-739, released November 27, 1984, 49 FR 48694, may lead to inconsistencies with respect to communications authorized under the old designation system in Parts 81 and 83. The FCC stated that the final rules clarify or resolve this problem by utilizing more than one designator or adding explanatory language as suggested by RTCM. The FCC noted that it was not intended in General Docket No. 80-739 or in this proceeding to alter authorized operations in the maritime services. Consequently, if any conflicts remain the FCC intends to permit previously authorized operations to continue unless specifically indicated to the contrary. Any conflicts would be resolved in future actions.

6. Other than the changes discussed above, the new Part 80 retains the organizational structure proposed in the NPRM. Subparts A-I are of general applicability while Subpart J-P apply to stations on land and Subparts Q-X apply to stations on ships. The FCC emphasized that the changes incorporated in Part 80 are primarily editorial in nature and do not alter substantive requirements applicable to the various maritime services except where specifically described.

7. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

8. The rule changes contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose a new or modified requirements or burden upon the public. Implementation of any new or modified requirements or burden will be subject to approval by the Office of Management and Budget as prescribed in the Act.

Ordering Clauses

9. Accordingly, it is ordered, That under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended 47 U.S.C. 154(i) and 303(r), the Commission rules are amended as set forth, effective October 1, 1986.

10. It is further ordered, that this processing is terminated.

CROSS REFERENCE TABLE

Old section No.	New section No. and title	Summary of changes
81.1	80.1 Basis and purpose	Clarified.
81.2 (a–o)	80.5 Definitions	Clarified.
81.3 (a–v)	80.5 Definitions	Clarified.
81.4 (a–r)	80.5 Definitions	Clarified.
81.5 (a–e)	80.5 Definitions	Clarified
81.6 (a–d)	80.5 Definitions	Clarified.
81.7 (a–u)	80.5 Definitions	Clarified.
81.8	80.5 Definitions	Clarified.
81.9 (a–e)	80.5 Definitions	Clarified.
81.20	80.23 Filing of applications	Clarified.
81.21 (a&b)	Deleted	
81.22 (a&b)	80.17 Administrative classes of stations	Clarified.
81.23 (a&b)	80.15 Eligibility for station license	Clarified.
81.24	80.19 Standard forms to be used	Clarified.
	80.405 Station license	Clarified.
81.25 (a–d)	Deleted	
81.27 (a–c)	Deleted	
81.28 (a&b)	Deleted	
81.29	Deleted	
81.30	Deleted	
81.31 (a–d)	80.21 Supplemental information required	Clarified.
81.33	80.501 Supplemental eligibility requirements	Clarified.
	80.507 Scope of service	Clarified.
81.34 (a&b)	80.39 Authorized station location	Clarified.
81.35	80.19 Standard forms to be used	Simplified.
81.36 (a)	80.19 Standard forms to be used	Simplified.
81.36 (b)	Deleted	
81.36 (c)	80.29 Changes during license term	Clarified.
81.36 (d)	80.29 Changes during license term	Simplified.
81.37 (a)	80.19 Standard forms to be used	Simplified.
81.37 (b)	Deleted	
81.39 (a&b)	80.23 Filing of applications	Simplified.
81.40 (a–d)	80.23 Filing of applications	Simplified.
	80.37 One authorization for plurality of stations	Simplified.
81.41 (a–c)	Deleted	
81.42 (a&b)	Deleted	
81.44	Deleted	
81.46 (a&b)	Deleted	
81.47 (a&b)	Deleted	
81.48 (a–c)	Deleted	
81.51	Deleted	
81.61	80.49 Time in which station is paced in operation	Clarified.
81.65 (a&b)	80.25 License term	Simplified
81.68 (a–e)	80.37 One authorization for a plurality of stations	Clarified.
81.70 (a–b)	80.39 Authorized station location	Clarified.
81.71 (a–c)	80.41 Control points and dispatch points	Clarified.
81.72 (a–j)	Deleted	
81.73	80.47 Operation during emergency	Simplified.
81.74	80.302 Notice of discontinuance, reduction or impairment of service involving a distress watch	Clarified.
	80.471 Discontinuance or impairment of service	Simplified.
81.76	80.31 Cancellation of license	Clarified.
81.101	80.61 Commission inspection of station	Simplified.
	80.403 Availability of documents	Simplified.
81.102 (a–d)	80.405 Station license	Simplified.
81.103 (a–d)	Deleted	
81.104 (a)	80.68 Facilities requirements for public coast stations using telegraphy	Simplified.
81.104 (b)	80.67 General facilities requirements for coast stations	Simplified.
81.104 (c)	80.69 Facilities requirements for public coast stations using telephony	Clarified.
81.104 (d&e)	80.67 General facilities requirements for coast stations	Simplified.
81.105 (a–c)	80.70 Special provisions relative to coast stations VHF facilities	No change.
81.105	Deleted	
81.106 (a–g)	80.71 Operating controls for stations on land	No change.
81.107 (a&b)	80.72 Antenna requirements for coast stations	No change.
81.108	Deleted	
81.109 (a–c)	Deleted	
81.110 (a&b)	80.63 Maintenance of transmitter power	Clarified.
81.112	Deleted	
81.113 (a&b)	80.74 Public coast station facilities for a telephony busy signal	No change
81.114 (a&b)	Deleted	
81.115 (a&b)	80.409 Station logs	Simplified.
81.116 (a–d)	80.76 Requirements for land station control points	Simplified.
81.131 (a–e, g)	80.209 Transmitter frequency tolerances	Clarified.
81.131 (f)	Deleted	
81.132 (a–g)	80.207 Classes of emissions	Simplified.
81.132 (a)	80.385 Frequencies for automated systems	Clarified.
81.133 (a–d)	80.205 Bandwidths	Simplified.
81.134 (a–j)	80.215 Transmitter power	Simplified.
81.136 (a&b)	80.203 Authorization of transmitters for licensing	Clarified.
81.137 (a–f)	80.203 Authorization of transmitters for licensing	Simplified.
81.138 (a)	80.203 Authorization of transmitters for licensing	Simplified.
81.138 (b)	Deleted	
81.139 (a–c)	80.221 Special requirements for generating automatically the radiotelephone alarm signal	Simplified.
81.140 (a&b)	80.211 Emission limitations	Clarified.
81.142 (a–j)	80.213 Modulation requirements	Simplified.
81.143 (a–f)	80.219 Special requirements for narrow-band direct-printing (NB–DP) equipment	Simplified.
81.144 (a–f)	80.225 Special requirements for digital selective calling (DSC) equipment	Simplified.
81.151	80.151 Classification of operator licenses and endorsements	Clarified.
81.152 (a), (c), (d), (d), (g)	80.153 Coast station operator requirements	Simplified; (b and (f) deleted.
81.154	80.167 Limitation on operators	Simplified.

CROSS REFERENCE TABLE—Continued

Old section No.	New section No. and title	Summary of changes
81.155 (a&b)	Deleted	
81.156	80.169 Operators required to adjust transmitters or radar	Simplified.
81.158 (a–c)	80.177 When operator license is not required	Clarified.
81.159	80.175 Availability of operator licenses	Simplified.
	80.407 Operator authorization	Simplified.
81.171	80.86 International regulations applicable	No change.
81.172	80.87 Cooperative use of frequency assignments	Simplified.
81.173	80.88 Secrecy of communications	No change.
81.174	80.89 Unauthorized transmission	Simplified.
81.175	80.90 Suspension of transmission	No change.
81.176 (a&b)	80.106 Intercommunication in the mobile service	No change.
81.177	80.107 Service of private coast stations and marine utility stations	No change.
81.178	80.105 General obligations of coast stations	No change.
81.179 (a), (b), (c), (e), (f)	80.95 Message charges	Simplified; (d) deleted.
81.180	Deleted	
81.181 (a&b)	80.91 Order of priority of communications	No change.
	80.312 Priority of distress transmissions	No change.
81.182	80.94 Control by coast or Government station	Simplified.
81.183 (a–d)	80.92 Prevention of interference	Simplified.
81.184 (a&b)	80.108 Transmission of traffic lists by coast stations	Simplified.
81.185	80.109 Transmissions to a plurality of mobile stations by a public coast station	Simplified.
81.186 (a–g)	80.93 Hours of service	No change.
81.187 (a)	80.311 Authority for distress transmission	Simplified.
81.187 (b)	80.321 Acknowledgement of receipt of distress message	Simplified.
81.187 (c)	80.322 Form of acknowledgement	Simplified.
81.187 (d)	80.325 Control of distress traffic	Simplified.
81.187 (e)	80.324 Transmission of distress message by station not itself in distress	Simplified.
81.188 (a&b)	80.317 Radiotelegraph and radiotelephone alarm signals	No change.
81.189 (a&b)	80.318 Use of alarm signals	No change.
81.190 (a&b)	80.301 Watch requirements	Simplified.
81.190 (c)	Deleted	
81.191 (a)	Deleted	
81.191 (b)	80.301 Watch requirements	Simplified.
81.191 (c)	80.303 Watch on 156.8 Mhz (channel 16)	Clarified.
81.191 (d&e)	Deleted	
81.192	80.96 Maintenance tests	Simplified.
81.193 (a–d)	80.110 Inspection and maintenance of tower markings and associated control equipment	Simplified.
81.194 (a–c)	80.409 Station logs	Simplified.
81.201	80.451 Supplemental eligibility requirements	Simplified.
81.202 (a–c)	80.453 Scope of communications	Clarified.
81.203 (a&b)	80.359 Frequencies for digital selective calling	Simplified.
81.203 (b–e)	80.121 Public coast stations using telegraphy	Simplified.
81.204 (a&b)	80.361 Frequencies for narrow direct printing (NB–DP) and data transmissions	Simplified.
81.204 (c)	Deleted	
81.205 (a–e)	80.121 Public coast stations using telegraphy	Clarified.
81.206 (a–c)	80.455 Assignment and use of frequencies for manual Morse code telegraphy	Simplified.
81.206 (a, d, e)	80.357 Working frequencies	Simplified.
81.206 (b&c)	80.353 General uses—radiotelegraphy	Simplified.
81.207 (a–c)	80.355 Distress, urgency, safety, call and reply frequencies	Simplified.
81.207 (d)	Deleted	
81.207 (e)	80.359 Frequencies for digital selective calling (DSC)	Clarified.
81.209 (a–c)	80.121 Public coast stations using telegraphy	Simplified.
81.218 (a–d)	80.357 Working frequencies	Simplified.
81.219	80.100 Morse code requirement	Clarified.
81.220	80.99 Radiotelegraph station identification	Clarified.
81.221 (a&b)	80.98 Radiotelegraph testing procedure	No change.
81.222 (a–c)	80.97 Radiotelegraph operating procedure	Clarified.
81.223 (a)	80.401 Station documents requirement	Simplified.
81.223 (b)	Deleted	
81.223 (c)	80.403 Availability of documents	Clarified.
81.224 (a–h)	80.409 Station logs	Clarified.
81.230	80.122 Public coast stations using facsimile	Clarified.
	80.363 Frequencies for facsimile	Clarified.
81.301	80.451 Supplement eligibility requirements	No change.
81.302 (a–c)	80.453 Scope of communications	Clarified.
81.303 (a)	80.467 Duplication of VHF service	No change.
81.304 (a–h)	80.465 Assignment and use of frequencies for telephony	Simplified.
81.305 (a&b)	80.369 Distress, urgency, safety, call and reply frequencies	Simplified.
81.306 (a&b)	80.371 Public correspondence frequencies	Simplified.
81.307	80.371 Public correspondence frequencies	Simplified.
81.308 (a&b)	80.373 Private communications frequencies	Simplified.
81.310 (a)	80.99 Radiotelegraph station indentification	Simplified.
	80.102 Radiotelephone station identification	Simplified.
81.310 (b&c)	Deleted	
81.311 (a&b)	80.101 Radiotelephone testing procedures	Simplified.
81.312 (a–d)	80.111 Radiotelephone operating procedures for coast stations	Simplified.
81.313 (a–c)	80.401 Station documents requirement	Simplified.
81.314 (a–f)	80.409 Station logs	Simplified.
81.330 (a–e)	80.469 Maritime mobile repeater stations in Alaska	Simplified.
81.330 (f–i)	80.373 Private communications frequencies	Simplified.
81.351 (a–b)	80.501 Supplemental eligibility requirements	Simplified.
81.352 (a–c)	80.503 Cooperative use of facilities	Simplified.
81.354 (a–b)	80.505 Points of communication	Clarified.
81.355 (a–d)	80.507 Scope of service	Simplified.
81.356	80.373 Private communications frequencies	Simplified.
81.357 (a–c)	80.383 Vessel Traffic Services (VTS) System frequencies	No change.
81.358 (a–c)	80.511 Assignment limitations	No change.
81.359 (a–c)	80.513 Frequency coordination	No change.
81.360 (a–e)	80.367 General uses—radiotelephony	Simplified.
	80.369 Distress, urgency, safety, call and reply frequencies	Simplified.

CROSS REFERENCE TABLE—Continued

Old section No.	New section No. and title	Summary of changes
	80.373 Private communications frequencies	Simplified.
81.361 (a–c)	80.131 Radioprinter operations	Simplified.
	80.1155 Radioprinter	Simplified.
81.362 (a–c)	80.131 Radioprinter operations	Simplified.
	80.1155 Radioprinter	Simplified.
81.363 (a&b)	80.131 Radioprinter operations	Simplified.
	80.1155 Radioprinter	Simplified.
81.364	80.517 Time limitation on calling	No change.
81.367 (a&b)	80.101 Radiotelephone testing procedures	Clarified.
81.368 (a–c)	80.111 Radiotelephone operating procedures for coast stations	Clarified.
81.372	80.102 Radiotelephone station identification	Simplified.
81.401	80.601 Licensing limitations	Simplified.
81.402 (a–c)	80.375 Radiodetermination frequencies	Simplified.
81.403 (a&b)	80.605 U.S. Coast Guard coordination	No change.
81.404 (a&b)	80.653 Scope of communication	Clarified.
81.501	80.33 Developmental license	Clarified.
81.502 (a–c)	80.33 Developmental license	Clarified.
81.503 (a&d)	80.33 Developmental license	Simplified.
81.503 (b&c)	80.391 Frequencies for developmental stations	Simplified.
81.504 (a–c)	80.33 Developmental license	Simplified.
81.505 (a–c)	80.33 Developmental license	Simplified.
81.506	80.33 Developmental license	Simplified.
81.507 (a–c)	80.33 Developmental license	Simplified.
81.521–81.534	Deleted	
81.551	80.149 Answers to notice of violation	No change.
81.601	Deleted	
81.603 (a–c)	Deleted	
81.605	Deleted	
81.609 (a&b)	Deleted	
81.611	80.653 Scope of communications	Simplified.
81.613	80.653 Scope of communications	Simplified.
81.615	80.389 Frequencies for maritime support station	No change.
81.617	Deleted	
81.619	80.655 Assignment of use of frequencies	Simplified.
81.621	80.381 Frequencies of fixed stations	Simplified.
	80.555 Scope of communications	Simplified.
81.623 (a)	80.381 Frequencies for fixed stations	Simplified.
	80.553 Supplementary eligibility requirements	Simplified.
81.625 (a–d)	80.381 Frequencies for fixed stations, See also 80.211, 80.557, and 80.559	Simplified.
81.701	80.15 Eligibility for station license	Simplified.
81.702 (a&b)	80.705 Hours of service of Alaska public fixed stations	Simplified.
81.703	80.703 Priority of distress and other signals	Simplified.
81.704	80.409 Station logs	Clarified.
81.705 (a&b)	80.707 Cooperative use of frequency assignments	Clarified.
81.706 (a&b)	Deleted	
81.708 (a&b)	80.709 Frequencies available	Clarified.
81.709	80.709 Frequencies available	Clarified.
81.711	80.709 Frequencies available	Clarified.
81.714	80.711 Use of U.S. Government frequencies	No change.
81.801	80.751 Scope	No change.
81.802 (a–c)	80.753 Signal strength requirements at the service area contour	No change.
81.803	80.755 Applicability	No change.
81.804 (a&b)	80.757 Topographical data	No change.
81.805 (a–d)	80.759 Average terrain elevation	No change.
81.806	80.763 Effective antenna height	No change.
81.807	80.765 Effective radiated power	No change.
81.808 (a–d)	80.767 Propagation curve	No change.
81.810 (a–d)	80.769 Shadow loss	No change.
81.811	80.773 Ratio of desired to undesired signal strengths	No change.
81.812 (a–e)	80.771 Method of computing coverage	No change.
81.813 (a–c)	80.761 Conversion graphs	No change.
81.901	80.57 Canada/USA channeling arrangement for VHF maritime public correspondence	No change.
81.902 (a–j)	80.57 Do	No change.
81.903 (a–f)	80.57 Do	No change.
81.904 (a–f)	80.57 Do	No change.
81.905 (a–c)	80.57 Do	No change.
81.906 (a–c)	80.57 Do	No change.
	80.475 Scope of service of Automated Maritime Telecommunications System (AMTS)	Simplified
81.913 (a–c)	80–1169 Automated Maritime Telecommunications System (AMTS)	Simplified.
81.915	80.477 Points of communication	Simplified.
81.917	80.385 Frequencies for automated systems	No change.
	80.1171 Assignment and use of frequencies	Simplified.
83.1 (a&b)	80.1 Basis and purpose	No change.
83.2 (a–y)	80.5 Definitions	Clarified.
83.3 (a–t)	80.5 Definitions	Clarified.
83.4 (a–w)	80.5 Definitions	Clarified.
83.5 (a–c)	80.5 Definitions	Clarified.
83.6 (a–n)	80.5 Definitions	Clarified.
83.7 (a–l)	80.5 Definitions	Clarified.
83.8 (a–h)	80.5 Definitions	Clarified.
83.20 (a&b)	80.13 Station license required	No change.
83.22	80.15 Eligibility for station license	Clarified.
83.24 (a–c)	80.15 Eligibility for station license	Clarified.
83.28 (a&b)	80.19 Standard forms to be used	Simplified.
83.30 (a–c)	Deleted	
83.32 (a–e)	80.23 Filing of applications	No change.
83.32 (f–g)	80.51 Ship earth station licensing	No change.
83.34	Deleted	
83.36	Deleted	
83.38	Deleted	
83.40 (a–c)	80.19 Standard forms to be used	Simplified.

CROSS REFERENCE TABLE—Continued

Old section No.	New section No. and title	Summary of changes
	80.25 License term	No change.
83.42 (a&b)	80.29 Changes during license term	Clarified.
83.44	80.56 Transfer of ship station license prohibited	No change.
83.46 (a&b)	Deleted	
83.48	80.31 Cancellation of license	Clarified.
83.50 (a&b)	80.53 Application for portable ship station license	No change.
83.52 (a&b)	80.55 Application for fleet station license	Clarified.
83.54	Deleted	
83.56	80.507 Scope of service	Simplified.
83.60 (a–c)	80.59 Compulsory ship station	Simplified.
83.70 (a–e)	80.59 Compulsory ship stations	No change.
83.72 (a&b)	80.59 Compulsory ship stations	No change.
83.74	80.59 Compulsory ship stations	
83.101 (a)	80.61 Commission inspection of stations	No change.
83.101 (b)	80.79 Inspection of ship stations by a foreign Government	Simplified.
83.102 (a–c)	80.405 Station license	Simplified.
83.103	Deleted	
83.104 (a–h)	80.80 Operating controls for ship stations	No change.
83.105 (a–d)	80.142 Ships using telegraphy	No change.
83.106 (a–c)	80.143 Required frequencies for radiotelephony	No change.
	80.956 Required Frequencies and uses	Clarified.
83.107 (a–c)	80.81 Antenna requirements for ship stations	No change.
83.108	Deleted	
83.110 (a–b)	80.63 Maintenance of transmitter power	Clarified.
83.111	Deleted	
83.112	Deleted	
83.113	Deleted	
83.114 (a&b)	80.935 Station clock	Simplified.
83.115 (a–e)	80.409 Station logs	Clarified.
83.131 (a–g)	80.209 Transmitter frequency tolerances	Simplified.
83.132 (a–g)	80.207 Classes of emission	Simplified.
83.133 (a&b)	80.205 Bandwidths	Simplified.
83.133 (c&d)	Deleted	
83.134 (a–l)	80.215 Transmitter power	Simplified
	80.1053 Special requirements for Class A EPIRB stations	Clarified.
	80.1057 Special requirements for Class C EPIRB stations	Clarified.
83.135 (a)	80.217 Suppression of interference aboard ships	Simplified.
83.135 (b)	Deleted	
83.136 (a–f)	80.211 Emission limitations	Simplified.
83.137 (a–d)	80.213 Modulation requirements	Simplified.
	80.1057 Special requirements for Class C EPIRB stations	Clarified.
83.138 (a–c)	80.203 Authorization of transmitter for licensing	Simplified.
83.139 (a–j)	80.203 Authorization of transmitter for licensing	Simplified.
83.140 (a–c)	80.203 Authorization of transmitter for licensing	Simplified.
83.141 (a–d)	80.223 Special requirement for survival craft stations	Clarified.
83.142 (a–c)	80.221 Special requirements for automatically generating the radiotelephone alarm signal	Simplified.
83.143 (a–f)	80.219 Special requirements for narrow-band direct-printing (NB-DP) equipment	Simplified.
83.144 (a–m)	80.1053 Special requirements for Class A EPIRBs	Simplified.
	80.1055 Special requirements for Class B EPIRBs	Simplified.
83.145 (a&b)	80.1053 Special requirements for Class A EPIRBs	Simplified.
83.145 (c)	Deleted	
83.146 (a–g)	80.1057 Special requirements for Class C EPIRBs	No change.
83.151 (a)	80.151 Classification of operator's licenses and endorsements	Clarified.
83.152 (a)	80.155 Ship station operator requirements	Clarified.
83.152 (b)	80.157 Radio officer defined	Clarified.
83.152 (c)	Deleted	
83.153	Deleted	
83.155 (a–e)	80.159 Operator requirements for Title III of the Communications Act and the Safety Convention	Simplified.
83.156 (a&b)	80.159 Do	Simplified.
83.157 (a&b)	80.161 Operator requirements for Great Lakes Radio Agreement	Clarified.
83.158	80.163 Operator requirements of the Vessel Bridge-to-Bridge Act	No change.
83.159	80.165 Operator requirements for voluntary stations	Clarified.
83.160 (a&b)	80.167 Limitations on operators	Simplified.
83.161 (a–c)	Deleted	
83.162 (a&b)	80.169 Operators required to adjust transmitters or radar	Clarified.
83.164 (a–d)	80.177 When operator license is not required	Simplified.
83.165 (a&b)	80.175 Availability of operator licenses	Simplified.
83.173 (a&b)	80.114 Authority of master	No change.
83.174	80.88 Secrecy of communications	No change.
83.175	80.106 Intercommunication in the mobile services	Simplified.
83.176	Deleted	
83.177 (a&b)	80.91 Order of priority of communications	No change.
83.178	80.89 Unauthorized transmissions	Clarified.
83.179	80.94 Control by coast or Government station	No change.
83.180	80.87 Cooperative use of frequency assignments	No change.
83.181 (a–e)	80.92 Prevention of interference	Simplified.
83.182	80.90 Suspension of transmission	No change.
83.183 (a&b)	80.93 Hours of service	Simplified.
83.184 (a–c)	80.409 Station logs	Clarified.
83.185	Deleted	
83.186 (a–f)	80.115 Operational conditions for use of associated ship units	Simplified.
83.201 (a&b)	80.304 Watch requirement during silence period	Clarified.
83.202 (a–c)	80.305 Watch requirements of the Communications Act and the Safety Convention	Clarified.
83.203 (a–d)	80.305 Do	Clarified.
83.204 (a,c–e)	80.306 Provisions governing the radiotelegraph watch	Clarified.
83.204 (b)	Deleted	
83.205	80.307 Compulsory use of radiotelegraph auto alarm	No change.
83.206	80.308 Watch required by the Great Lakes Radio Agreement	No change.
83.207	80.309 Watch required by Bridge-to-Bridge Act	Clarified.
83.221	80.146 Watch on 500 kHz	No change.
83.233	80.147 Watch on 2182 kHz	No change.

CROSS REFERENCE TABLE—Continued

Old section No.	New section No. and title	Summary of changes
83.224 (a–c)	80.148 Watch required by voluntary vessels	No change.
83.231	Deleted	
83.232	80.311 Authority for distress transmissions	Clarified.
83.233	80.313 Frequencies for use in distress	Clarified.
83.234 (a–c)	80.314 Distress signals	No changes.
83.235 (a–c)	80.315 Distress calls	No changes.
83.236 (a–c)	80.316 Distress messages	No change.
83.237 (a–e)	80.319 Radiotelegraph distress call and message transmission procedure	No change.
83.238 (a–e)	80.320 Radiotelephone distress call and message transmission procedure	No change.
83.239 (a&b)	80.321 Acknowledgement of receipt of distress message	No change.
83.240 (a&b)	80.322 Form of acknowledgement	No change.
83.241 (a&b)	80.323 Information furnished by an acknowledging station	No change.
83.242 (a–d)	80.324 Transmission of distress message by station not itself in distress	No change.
83.243 (a–d)	80.325 Control of distress traffic	No change.
83.244 (a&b)	80.326 Notification of resumption of normal working	No change.
83.245 (a&b)	80.317 Radiotelegraph and radiotelephone alarm signals	No change.
83.246 (a&b)	80.318 Use of alarm signals	No change.
83.247 (a–d)	80.327 Urgency signals	No change.
83.248 (a–c)	80.328 Urgency message	No change.
83.249 (a–d)	80.329 Safety signals	No change.
83.250 (a–d)	80.330 Safety message	No change.
83.251 (a–c)	80.331 Bridge-to-Bridge communication procedure	No change.
83.252 (a&b)	80.332 Equipment to aid search and rescue operations	No change.
83.253	80.333 Stations in maritime mobile-satellite service	Simplified.
83.254	80.145 Class C EPIRB operational procedures	No change.
83.261	Deleted	
83.262	Deleted	
83.263 (a&b)	Deleted	
83.271	80.95 Message charges	No change.
83.272	80.95 Message charges	No charge.
83.273	80.95 Message charges	Clarified.
83.274 (a&b)	80.95 Message charges	Clarified.
83.275	Deleted	
83.276	80.95 Message charges	Simplified.
83.277	Deleted	
83.302	80.141 General provisions for ship stations	No change.
83.303 (a–c)	80.141 General provisions for ship stations	No change.
83.304 (a&b)	80.141 General provisions for ship stations	No change.
83.315 (a&b)	80.351 Scope	Simplified.
83.316 (a–c)	80.357 Working frequencies	Simplified.
83.317 (a–i)	80.355 Distress, urgency, safety, call and reply frequencies	Simplified.
83.318 (a&b)	80.359 Frequencies for digital selective calling (DSC)	Simplified.
83.319 (a&c)	80.357 Working frequencies	Simplified.
83.320 (a,c&d)	80.361 Frequencies for narrow-band direct-printing (NBDP) and data transmissions	Clarified.
83.321	80.361 Frequencies for narrow-band direct-printing (NBDP) and data transmissions	Clarified.
83.322 (a–d)	80.355 Distress, urgency, safety, call and reply frequencies	Clarified.
83.323 (a–c)	80.355 Distress, urgency, safety, call and reply frequencies	Clarified.
83.324 (a–g)	80.357 Working frequencies	Simplified.
83.325	80.100 Morse code requirement	Clarified.
	80.353 General uses—radiotelegraphy	Clarified.
83.326 (a–c)	80.99 Radiotelegraph station identification	No change.
83.327 (a&b)	80.98 Radiotelegraph testing procedure	No change.
83.328 (a–g)	80.97 Radiotelegraph operating procedures	Clarified.
83.328 (a,c,d)	80.353 General uses—radiotelegraphy	No change.
83.329 (a–d)	80.142 Ships using radiotelegraphy	No change.
83.330 (a–j)	80.142 Ships using radiotelegraphy	No change.
83.332 (a&b)	80.363 Frequencies for facsimile	Clarified.
	80.1157 Facsimile	Clarified.
83.333 (a–c)	80.401 Station document requirement	Clarified.
83.334 (a–c)	80.409 Station logs	Clarified.
83.335	80.385 Frequencies for automated systems	Simplified.
83.337 (a–c)	80.131 Radioprinter operations	Simplified.
	80.1155 Radioprinter	Simplified.
83.339 (a–e)	80.131 Radioprinter operations	Simplified.
	80.1155 Radioprinter	Simplified.
83.341 (a&b)	80.131 Radioprinter operations	Simplified.
	80.1155 Radioprinter	Simplified.
83.351 (a&b)	80.369 Distress, urgency, safety, call and reply frequencies	Simplified.
83.352 (a–d)	80.369 Distress, urgency, safety, call and reply frequencies	Simplified.
83.353 (a–d)	80.369 Distress, urgency, safety, call and reply frequencies	Simplified.
83.354	80.371 Public correspondence frequencies	Simplified.
83.355 (a–c)	80.371 Public correspondence frequencies	Simplified.
83.356	80.371 Public correspondence frequencies	Simplified.
83.357	Deleted	
83.358 (a–e)	80.373 Private communications frequencies	Simplified.
83.359 (a)	80.371 Public correspondence frequencies	Clarified.
83.359 (a)	80.373 Private communications frequencies	Clarified.
83.359 (b)	80.379 Maritime frequencies assignable to aircraft stations	Simplified.
83.360 (a&b)	80.373 Private communications frequencies	Simplified.
83.361 (a–c)	80.383 Vessel traffic services (VTS) system frequencies	Simplified.
83.362 (a–g)	80.373 Private communications frequencies	Simplified.
83.363 (a&b)	80.367 General conditions of use	Simplified.
83.364 (a–t)	80.102 Radiotelephone station identification	Simplified.
83.365 (a&b)	80.101 Radiotelephone testing procedure	Simplified.
83.366 (a–j)	80.116 Radiotelephone operating procedures for ship stations	Simplified.
83.367 (a&b)	80.401 Station document requirement	Simplified.
83.368 (a–e)	80.409 Station logs	Simplified.
83.370 (a&b)	80.373 Private radiotelephone frequencies	Simplified.
83.373	80.385 Frequencies for automated systems	Simplified.
83.401 (a–c)	80.375 Radiodetermination frequencies	Simplified.
83.403	80.375 Radiodetermination frequencies	Simplified.

CROSS REFERENCE TABLE—Continued

Old section No.	New section No. and title	Summary of changes
	80.1201 Special provisions for cable repair ship stations	Simplified.
83.404 (a&b)	80.375 Radiodetermination frequencies	Simplified.
83.405	Deleted	
83.431	80.33 Developmental license	Simplified.
83.432 (a–c)	80.33 Developmental license	Simplified.
83.433 (a–c)	80.391 Frequencies for developmental operations	Simplified.
83.434 (a–c)	80.33 Developmental license	Simplified.
83.435 (a–c)	80.33 Developmental license	Simplified.
83.436	80.33 Developmental license	Simplified.
83.437 (a–c)	80.33 Developmental license	Simplified.
83.441 (a–d)	80.802 Inspection of station	Simplified.
83.442	80.804 Radio station	Simplified.
83.443 (a–c)	80.805 Radio installations	Clarified.
83.444 (a–g)	80.806 Requirements of main installation	No change.
83.445 (a–i)	80.807 Requirements of radiotelephone installation	No change.
83.446 (a&b)	80.808 Requirements of reserve installation	No change.
83.447	80.809 Routing of power supply wiring	No change.
83.448	80.810 User of reserve installation	Clarified.
83.449 (a&b)	80.811 Tests of reserve installation and automatic radiotelegraph alarm-signal keyer	No change.
83.451	80.812 Automatic-alarm-signal keying device	No change.
83.452 (a&b)	80.813 Installation of automatic-alarm-signal keying device	No change.
83.453 (a&b)	80.814 Radiotelegraph auto alarm	Simplified.
83.454 (a–e)	80.815 Installation of radiotelegraph auto alarm	Clarified.
83.457 (a–c)	80.817 Tests of radiotelegraph auto alarm	No change.
83.458 (a&b)	80.818 Direction finding and homing equipment	No change.
83.459 (a&b)	80.819 Requirements for radio direction finder	No change.
83.460	80.820 Auxiliary receiving antenna	Simplified.
83.461 (a&b)	80.821 Installation of direction finder	Simplified.
83.462 (a&b)	80.822 Contingent acceptance of direction finder calibration	Clarified.
83.463 (a–c)	80.823 Check bearings by authorized ship personnel	Simplified.
83.464 (a&b)	80.824 Homing facility requirements	No change.
83.465 (a–c)	80.825 Radar installation requirements specifications	Clarified.
83.466 (a–c)	80.826 Interior communication systems	No change.
83.467	80.827 Requirements for interior communications system	No change.
83.468	80.828 Radiotelegraph station clock	No change.
83.469 (a–f)	80.829 Survival craft non-portable radiotelegraph installation	No change.
83.471 (a–e)	80.830 Power supply for survival craft non-portable radiotelegraph installation	No change.
83.472 (a–c)	80.831 Survival craft portable radiotelegraph equipment	No change.
83.473 (a–c)	80.832 Tests fo survival craft radio equipment	No change.
83.474 (a–d)	80.833 Class S survival craft emergency position indicating radiobeacons EPIRB's	No change.
83.475 (a–c)	80.834 Survival craft portable two-way radiotelephone apparatus	No change.
83.479 (a&b)	80.835 Ship and survival craft station spare parts, tools, instruction books, circuit diagrams and testing equipment	No change.
83.480 (a–d)	80.836 General and individual ship exemptions	No change.
83.481	Deleted	
83.482 (a–e)	80.853 Radiotelephone station	Clarified.
83.483 (a–f)	80.854 Radiotelephone installation	Clarified.
83.484 (a–h)	80.855 Radiotelephone transmitter	Clarified.
83.486	80.856 Automatic radiotelephone alarm signal generator	No change.
83.487	80.857 Installation of automatic radiotelephone alarm signal generator	No change.
83.488 (a–e)	80.858 Radiotelephone receiver	No change.
83.489 (a&b)	80.859 Main power supply	No change.
83.491 (a–h)	80.860 Reserve power supply	No change.
83.492	80.861 Required capacity	No change.
83.493 (a–e)	80.862 Proof of capacity	No change.
83.494 (a–c)	80.863 Antenna system	No change.
83.496 (a&b)	80.864 Emergency electric lights	No change.
83.497	80.865 Radiotelephone station clock	No change.
83.498	80.866 Spare antenna	No change.
83.499 (a&b)	80.867 Ship station tools, instruction books, circuit diagrams and testing equipment	No change.
83.501	80.868 Card of instructions	No change.
83.502	80.869 Test of radiotelephone station	No change.
83.504 (a&b)	80.870 Survival craft radio equipment	No change.
83.511	80.901 Applicability	No change.
83.512	80.903 Inspection of radiotelephone installation	No change.
83.513	80.411 Vessel certification or exemption	Simplified.
83.514 (a–d)	80.905 Radiotelephone installation	Simplified.
83.516 (a&b)	80.907 Principal operating position	Simplified.
83.517 (a&b)	80.909 Medium frequency transmitter	No change.
83.518 (a–e)	80.911 VHF transmitter	Simplified.
83.519 (a–f)	80.913 Radiotelephone receivers	Clarified.
83.521 (a–c)	80.915 Main power supply	Clarified.
83.522 (a–g)	80.917 Reserve power supply	Simplified.
83.523	80.919 Required capacity	Clarified.
83.524 (a–e)	80.921 Proof of capacity	Clarified.
83.526	80.923 Antenna system	Clarified.
83.527 (a&b)	80.925 Electric light	Clarified.
83.528	80.927 Antenna radio frequency indicator	No change.
83.529	80.929 Nameplate	No change.
83.531	80.931 Test of radiotelephone installation	No change.
83.532 (a–c)	80.933 General exemption	No change
83.536 (a–e)	80.951 Applicability	No change.
83.537	80.953 Inspection and certification	No change.
83.539 (a–d)	80.955 Radiotelephone installation	No change.
83.541 (a&b)	80.957 Principal operating position	No change.
83.542 (a–c)	80.959 Radiotelephone transmitter	No change.
83.543 (a&b)	80.961 Radiotelephone receiver	No change.
83.544 (a&b)	80.963 Main power supply	No change.
83.545 (a–e)	80.965 Reserve power supply	No change.
83.546	80.967 Antenna system	No change.
83.547 (a&b)	80.969 Illumination of operating controls	No change.
83.548	80.971 Test of radiotelephone installation	Simplified.

CROSS REFERENCE TABLE—Continued

Old section No.	New section No. and title	Summary of changes
83.551 (a&b)	80.251 Scope	Simplified.
83.552 (a–g)	80.253 Technical requirements of main transmitter	Clarified.
83.553 (a–e)	80.255 Technical requirements of reserve transmitter	Clarified.
83.554 (a&b)	80.251 Scope	Simplified.
83.555 (a–h)	80.259 Technical requirements for radiotelephone auto alarm receiver (auto alarm)	Clarified.
83.556 (a–k)	80.257 Manufacturing requirements for radiotelegraph auto alarm receiver (auto alarm)	No change.
83.557	80.251 Scope	Clarified.
83.561	Delted	
83.562 (a–f)	80.261 Technical requirements for automatic alarm signal keying device	Simplified.
83.564	80.251 Scope	Simplified.
83.567 (a–e)	80.263 Common requirements for survival craft radio equipment	Simplified.
83.568 (a–g)	80.265 Requirements for survival craft portable radio equipment	Simplified.
83.569 (a–e)	80.267 Requirements for survival craft nonportable radio equipment	Simplified.
83.570 (a–c)	80.269 Technical requirements for radiotelephone distress frequency watch receiver	Simplified.
83.601 (a–e)	80.1059 Special requirements for Class S EPIRB stations	Clarified.
83.603 (a–i)	80.271 Technical requirements for portable survival craft radiotelephone tranceivers	Clarified.
83.651 (a&b)	80.149 Answer to notice of violation	No change.
83.652	Deleted	
83.701 (a–d)	80.1001 Applicability	Clarified.
83.703	80.1003 Station required	Simplified.
83.705	80.1005 Inspection of station	No change.
83.709 (a–b)	80.1007 Bridge-to-bridge radiotelephone installation	Clarified.
83.711	80.1009 Principal operator and operating position	No change.
83.713 (a–b)	80.1011 Transmitter	Clarified.
83.715 (a–c)	80.1013 Receiver	Simplified.
83.717 (a–c)	80.1015 Power supply	Simplified.
83.719 (a&b)	80.1017 Antenna system	No change.
83.721	80.1019 Antenna radio frequency indicator	No change.
83.723	80.1021 Nameplate	No change.
83.725	80.1023 Test of radiotelephone installation	No change.
83.811 (a&b)	80.1177 Assignment and use of frequencies	Simplified.
83.813 (a&b)	80.15 Eligibility for station license	Simplified.
83.815 (a–c)	80.1175 Scope of communications	Simplified.
83.817	80.1179 On-board repeater limitations	Simplified.
83.819 (a–c)	80.413 On-board station equipment records	Simplified.
83.821	Deleted	
83.823 (a&b)	80.1175 Scope of communications	Simplified.
83.825 (a–d)	80.1181 Station identification	Clarified.
83.835 (a–f)	80.1183 Remote control for maneuvering or navigation	No change.
83.840	80.1185 Supplemental eligibility requirement for satellite stations	No change.
83.841	80.1187 Scope of communication	No change.
83.842 (a–d)	80.1189 Order of priority	No change.
83.843 (a&b)	80.377 Frequencies for ship earth stations	Simplified.
83.851 (a–d)	80.871 VHF radiotelephone station	No change.
83.852 (a–d)	80.872 The VHF radiotelephone installation	No change.
83.853 (a–d)	80.873 VHF radiotelephone transmitter	No change.
83.854 (a–e)	80.874 VHF radiotelephone receiver	No change.
83.855 (a–d)	80.875 VHF radiotelephone power supply	Simplified.
83.856	80.876 VHF radiotelephone antenna system	No change.
83.857 (a–h)	80.877 Controls and indicators required for the VHF radiotelephone installation	No change.
83.1100	80.1169 Automated Maritime Telecommunications System (AMTS)	Simplified.
83.1103	80.1169 Automated Maritime Telecommunications System (AMTS)	Simplified.
83.1105	80.385 Frequencies for automated systems	No change.
	80.1171 Assignment and use of frequencies	Simplified.

List of Subjects

47 CFR Part 80

Alaska, Coast stations, Communication equipment, Radio, Ship stations, Telephone, Telegraph.

47 CFR Part 81

Alaska, Coast stations, Communication equipment, Telephone, Telegraph.

47 CFR Part 83

Communications equipment, Radio, Ship stations.

Federal Communications Commission.

William J. Tricarico,

Secretary.

PARTS 81 AND 83—REMOVED

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are removed and a new Part 80 is added to read as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

GENERAL

Subpart A—General Information

Sec.

Subpart B—Applications and Licenses

Subpart C—Operating Requirements and Procedures

Station Requirements—General

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

GENERAL

Subpart A—General Information

§ 80.1 Basis and purpose.

This section contains the statutory basis for this part of the rules and provides the purpose for which this part is issued.

(a) *Basis.* The rules for the maritime services in this part are promulgated under the provisions of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmission and to issue licenses for radio stations. The rules in this part are in accordance wtih applicable statutes, international treaties, agreements and recommendations to which the United States is a party. The most significant of these documents are listed below with the short title appearing in parenthesis:

Communications Act of 1934, as amended—(Communications Act).
Communications Satellite Act of 1962, as amended—(Communications Satellite Act).
International Telecommunication Union Radio Regulations, in force for the United States—(Radio Regulations).
Agreement Between the United States of America and Canada for the Promotion of Safety on the Great Lakes by Means of Radio, as amended, and the Technical Regulations annexed thereto—(Great Lakes Radio Agreement).
International Convention for Safety of Life at Sea, 1974, as amended, and the Annex thereto—(Safety Convention).
Vessel Bridge-to-Bridge Radiotelephone Act—(Bridge-to-Bridge Act).

(b) *Purpose.* This part states the conditions under which radio may be licensed and used in the maritime services. These rules do not govern radio stations operated by agencies of the U.S. Government.

§ 80.2 Other regulations that apply.

The Commandant, U.S. Coast Guard has promulgated regulations which affect radiotelecommunication equipment carriage and power source installation requirements for certain ships. Inquiries concerning applicable U.S. Coast Guard regulations are to addressed to the Commandant, U.S. Coast Guard, Washington, DC 20593, or to the nearest District Headquarters Office of the U.S. Coast Guard.

§ 80.3 Other applicable rule parts of this chapter.

Other FCC rule parts applicable to licensees in the maritime services include the following:

(a) *Part 0.* This part describes the Commission's organization and delegations of authority. Part 0 also lists

available Commission publications, standards and procedures for access to Commission records and location on Commission monitoring stations.

(b) *Part 1.* This part includes rules of practice and procedure for license applications, adjudicatory proceedings, rulemaking proceedings, procedures for reconsideration and review of the Commission's actions, provisions concerning violation notices and forfeiture proceedings, and the requirements for environmental impact statements.

(c) *Part 2.* This part contains the Table of Frequency Allocations and special requirements in international regulations, recommendations, agreements, and treaties. This part also contain standards and procedures concerning marketing of radio frequency devices, and for obtaining equipment authorization.

(d) *Part 13.* This part contains information and rules for the licensing of commercial radio operators.

(e) *Part 17.* This part contains requirements for construction, marking and lighting of antenna towers.

(f) *Part 21.* This part contains rules concerning point-to-point microwave service authority relating to communication common carriers.

(g) *Part 42.* This part contains rules concerning the preservation of records of communication common carriers.

(h) *Part 43.* This part contains rules concerning reports of communication common carriers.

(i) *Part 61.* This part contains tariff rules applicable to communication common carriers.

(j) *Part 62.* This part contains rules concerning interlocking directorates relating to communication common carriers.

(k) *Part 63.* This part contains rules concerning the extension of lines and discontinuance of service by communication common carriers.

(l) *Part 64.* This part contains miscellaneous rules relating to communication common carriers.

(m) *Part 68.* This part contains technical standards for connection of terminal equipment to the telephone network.

(n) *Part 87.* This part contains rules for the aviation services. Some maritime frequencies are authorized for use by aircraft stations for safety and distress, public correspondence and for operational communications.

(o) *Part 94.* This part contains rules concerning the private microwave service relating to point-to-point communication requirements.

§ 80.5 Definitions.

Alaska—public fixed station. A fixed station in Alaska which is open to public correspondence and is licensed by the Commission for radio communication with Alaska-Private fixed stations on paired channels.

Alaska—private fixed station. A fixed station in Alaska which is licensed by the Commission for radio communication within Alaska and with associated ship stations, on single frequency channels. Alaska-private fixed stations are also eligible to communicate with Alaska-public fixed stations on paired channels.

Associated ship unit. A portable VHF transmitter for use in the vicinity of the ship station with which it is associated.

Automated maritime telecommunications system (AMTS). An automatic, integrated and interconnected maritime communications system serving ship stations on specified inland and coastal waters of the United Stations.

Automated mutual-assistance vessel rescue system (AMVER). An international system, operated by the U.S. Coast Guard, which provides aid to the development and coordination of search and rescue (SAR) efforts. Data is made available to recognized SAR agencies or vessels of any nation for reasons related to marine safety.

Bridge-to-bridge station. A radio station located on a ship's navigational bridge or main control station operating on a specified frequency which is used only for navigational communications, in the 156–162 MHz band.

Cargo ship safety radiotelegraphy certificate. A certificate issued after an inspection of a cargo ship radiotelegraph station which complies with the applicable Safety Convention radio requirements.

Cargo ship safety radiotelephony certificate. A certificate issued after inspection of a cargo ship radiotelephone station which complies with the applicable Safety Convention radio requirements.

Categories of ships. (1) When referenced in Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, a ship is a "passenger ship" if it carries or is licensed or certificated to carry more than twelve passengers. A "cargo ship" is any ship not a passenger ship.

(2) A "commercial transport vessel" is any ship which is used primarily in commerce (i) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (ii) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(3) The term "passenger carrying vessel", when used in reference to Part III, Title III of the Communications Act of the Great Lakes Radio Agreement, means any ship transporting more than six passengers for hire.

(4) Power-driven vessel. Any ship propelled by machinery.

(5) Towing vessel. Any commercial ship engaged in towing another ship astern, alongside or by pushing ahead.

(6) Compulsory ship. Any ship which is required to be equipped with radiotelecommunication equipment in order to comply with the radio or radio-navigation provisions of a treaty or statute to which the vessel is subject.

(7) Voluntary ship. Any ship which is not required by treaty or statute to be equipped with radiotelecommunication equipment.

Coast station. A land station in the maritime mobile service.

Commercial communications. Communications between coast stations and ship stations aboard commercial transport vessels, or between ship stations aboard commercial transport vessels, which relate directly to the purposes for which the ship is used including the piloting of vessels, movements of vessels, obtaining vessel supplies, and scheduling of repairs.

Day. (1) Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter power, its use means transmission on the frequency assignment or with the authorized transmitter power during that period of time included between one hour after local sunrise and one hour before local sunset.

(2) Where the word "day" occurs in reference to watch requirements, or to equipment testing, its use means the calendar day, from midnight to midnight, local time.

Digital selective calling (DSC). A synchronous system developed by the International Radio Consultative Committee (CCIR), used to establish contact with a station or group of stations automatically by means of radio. The operational and technical characteristics of this system are contained in CCIR Recommendation 493.

Direction finder (radio compass). Apparatus capable of receiving radio signals and taking bearings on these signals from which the true bearing and direction of the point of origin may be determined.

Distress signal. The distress signal is an internationally recognized radiotelegraph or radiotelephone

transmission which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(1) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(2) In radiotelephony, the international distress signal consists of the enunciation of the word "Mayday", pronounced as the French expression "m'aider". In case of distress, transmission of this particular signal is intended to ensure recognition of a radiotelephone distress call by stations of any nationality.

Distress traffic. All messages relative to the immediate assistance required by a ship, aircraft, or other vehicle in distress.

Emergency position indicating radiobeacon (EPIRB) station. A station in the maritime mobile service the emissions of which are intended to facilitate search and rescue operations.

Environmental communications. Broadcasts of information about the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals adequate for practical navigation, notices to mariners, and hazards to navigation.

Fleet radio station license. An authorization issued by the Commission for two or more ships having a common owner or operator.

Future global maritime distress and safety system (FGMDSS). An International Maritime Organization (IMO) worldwide coordinated maritime distress system designed to provide the rapid transfer of distress messages from vessels in distress to units best suited for giving or coordinating assistance. The system includes standardized equipment and operational procedures, unique identifers for each station, and the integrated use of frequency bands and radio systems to ensure the transmission and reception of distress and safety calls and messages at short, medium and long ranges.

Great Lakes. This term, used in this part in reference to the Great Lakes Radio Agreement, means all of Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan, Superior, their connecting and tributary waters and the St. Lawrence River as far east as the lower exit of the St. Lambert Lock as Montreal in the Province of Quebec, Canada, but does not include any connecting and tributary waters other than: the St. Marys River, the St. Clair River, Lake St. Clair, the Detroit River and the Welland Canal.

Harbor or port. Any place to which ships may resort for shelter, or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term applies to such places whether proclaimed public or not and whether natural or artifical.

Inland waters. This term, as used in reference to waters of the United States, its territories and possessions, means waters that lie landward of the boundary lines of inland waters as contained in 33 CFR 82, as well as waters within its land territory, such as rivers and lakes, over which the United States exercises sovereignty.

Marine utility station. A station in the maritime mobile service consisting of one or more handheld radiotelephone units licensed under a single authorization. Each unit is capable of operation while being hand-carried by an individual. The station operates under the rules applicable to ship stations when the unit is aboard a vessel, and under the rules applicable to private coast stations when the unit is on land.

Maritime control communications. Communications between private coast and ship stations or between ship stations licensed to a state or local governmental entity, which relate directly to the control of boating activities or assistance to ships.

Maritime mobile repeater station. A land station at a fixed location established for the automatic retransmission of signals to extend the range of communication of ship and coast stations.

Maritime mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and EPIRB stations may also participate in this service.

Maritime mobile service. A mobile service between coast stations and ship stations, or between ship stations, or between associated on-board communication stations. Survival craft stations and EPIRB stations also participate in this service.

Maritime mobile service identities. An international system for the identification of radio stations in the maritime mobile service. The system is comprised of a series of nine digits which are transmitted over the radio path to uniquely identify ship stations, ship earth stations, coast stations, coast earth stations and groups of stations.

Maritime radiodetermination service. A maritime radiocommunication service for determining the position, velocity, and/or other characteristics of an object, or the obtaining of information relating to these parameters, by the propagation properties of radio waves.

Maritime support station. A station on land used in support of the maritime services to train personnel and to demonstrate, test and maintain equipment.

Navigational communications. Safety communications pertaining to the maneuvering of vessels or the directing of vessel movements. Such communications are primarily for the exchange of information between ship stations and secondarily between ship stations and coast stations.

Noncommercial communications. Communication between coast stations and ship stations other than commercial transport ships, or between ship stations aboard other than commercial transport ships which pertain to the needs of the ship.

On-board communication station. A low-powered mobile station in the maritime mobile service intended for use for internal communications on board a ship, or between a ship and its lifeboats and liferafts during lifeboat drills or operations, or for communication within a group of vessels being towed or pushed, as well as for line handling and mooring instructions.

On-board repeater. A radio station that receives and automatically retransmits signals between on-board communication stations.

Open sea. The water area of the open coast seaward of the ordinary low-water mark, or seaward of inland waters.

Operational fixed station. A fixed station, not open to public correspondence, operated by entities that provide their own radiocommunication facilities in the private land mobile, maritime or aviation services.

Passenger ship safety certificate. A certificate issued by the Commandant of the Coast Guard after inspection of a passenger ship which complies with the requirements of the Safety Convention.

Pilot. Pilot means a Federal pilot required by 46 U.S.C. 764, a state pilot required under the authority of 46 U.S.C. 211, or a registered pilot required by 46 U.S.C. 216.

Port operations communications. Communications in or near a port, in locks or in waterways between coast stations and ship stations or between ship stations, which relate to the operational handling, movement and safety of ships and in emergency to the safety of persons.

Portable ship station. A ship station which includes a single transmitter

intended for use upon two or more ships.

Private coast station. A coast station, not open to public correspondence, which serves the operational, maritime control and business needs of ships.

Public coast station. A coast station that offers radio communication common carrier services to ship radio stations.

Public correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Radar beacon (RACON). A receiver-transmitter which, when triggered by a radar, automatically returns a distinctive signal which can appear on the display of the triggering radar, providing range, bearing and identification information.

Radioprinter operations. Communications by means of a direct printing radiotelegraphy system using any alphanumeric code, within specified bandwidth limitations, which is authorized for use between private coast stations and their associated ship stations on vessels of less than 1600 gross tons.

Safety communication. The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property.

Safety signal. (1) The safety signal is the international radiotelegraph or radiotelephone signal which indicates that the station sending this signal is preparing to transmit a message concerning the safety of navigation or giving important meteorological warnings. (2) In radiotelegraphy, the international safety signals consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other. (3) In radiotelephony, the international safety signal consists of three oral repetitions of "Security", pronounced as the French word "Securite", sent before the call.

Selective calling. A means of calling in which signals are transmitted in accordance with a prearranged code to operate a particular automatic attention device at the station whose attention is sought.

Ship earth station. A mobile earth station in the maritime mobile-satellite service located on board ship.

Ship or vessel. "Ship" or "vessel" includes every description of watercraft or other artificial contrivance, except aircraft, capable of being used as a means of transportation on water whether or not it is actually afloat.

Ship radio station license. An authorization issued by the Commission to operate a radio station onboard a vessel.

Ship station. A mobile station in the maritime mobile service located onboard a vessel which is not permanently moored, other than a survival craft station.

Station. One or more transmitters or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on radiocommunication services.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

Urgency signal. (1) The urgency signal is the international radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three oral repetitions of the word "Pan" pronounced as the French word "PANNE" and sent before the call.

Vessel traffic service (VTS). A U.S. Coast Guard traffic control service for ships in designated water areas to prevent collisions, groundings and environmental harm.

Watch. The act of listening on a designated frequency.

Subpart B—Applications and Licenses

§ 80.11 Scope.

This subpart contains the procedures and requirements for the filing of applications for licenses to operate radio facilities in the maritime services. Part 1 of the Commission's rules contains the general rules of practice and procedure applicable to proceedings before the FCC.

§ 80.13 Station license required.

(a) All stations in the maritime services must be licensed by the FCC.

(b) One ship station license will be granted for operation of all maritime services transmitting equipment on board a vessel.

§ 80.15 Eligibility for station license.

(a) *General.* A station license cannot be granted to or held by a foreign government or its representative.

(b) *Public coast stations and Alaska-public fixed stations.* A station license for a public coast station or an Alaska-public fixed station cannot be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or its representative;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or by a corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or its representatives, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(c) *Private coast and marine utility stations.* The supplemental eligibility requirements for private coast and marine utility stations are contained in § 80.501(a).

(d) *Ship stations.* A ship station license may only be granted to:

(1) The owner or operator of the vessel;

(2) A subsidiary communications corporation of the owner or operator of the vessel;

(3) A state or local government subdivision; or

(4) Any agency of the U.S. Government subject to Section 301 of the Communications Act.

(e) *EPIRB stations.* (1) Class C EPIRB stations will be authorized:

(i) For use on board vessels operating within 32 kilometers (approximately 20

miles) of shore and in the Great Lakes, or

(ii) On passenger and cargo vessels with survival craft as required or recommended by the U.S. Coast Guard.

(2) Class A or Class B EPIRB stations will be authorized for use on board the following types of vessels:

(i) Vessels authorized to carry survival craft; or

(ii) Vessels expected to travel in waters beyond the range of marine VHF distress coverage which is generally considered to be more than 32 kilometers (approximately 20 miles) offshore; or

(iii) Vessels required to be fitted with EPIRB's to comply with U.S. Coast Guard regulations.

§ 80.17 Administrative classes of stations.

(a) Stations in the Maritime Mobile Service are licensed according to class of station as follows:

(1) Public coast stations.

(2) Private coast stations.

(3) Maritime support stations.

(4) Ship stations. The ship station license may include authority to operate other radio station classes aboard ship such as; radionavigation, on-board, satellite, EPIRB, radiotelephone, radiotelegraph and survival craft.

(5) Marine utility stations.

(b) Stations on land in the Maritime Radiodetermination Service are licensed according to class of station as follows:

(1) Shore radiolocation stations.

(2) Shore radionavigation stations.

(c) Fixed stations in the Fixed Service associated with the maritime services are licensed as follows:

(1) Operational fixed stations.

(2) Alaska-public fixed stations.

(3) Alaska-private fixed stations.

§ 80.19 Standard forms to be used.

The following table indicates the correct standard form or other means to be used when submitting an application. Forms may be obtained from the Commission at Gettysburg, PA 17325, Washington, DC 20554 or any of its District Offices.

Class of station(s)	Application for	Use
Ship	New license	FCC Form 506.
	Renewal of license without modification	FCC Form 405-B.
	Renewal of license with modification	FCC Form 506.
	Modification of license	FCC Form 506.
	Temporary operating authority in conjunction with application for a new license or modification of license.	FCC Form 506-A.
	Radio inspection and certification	FCC Form 801.[1]
	Exemption	FCC Form 820.
	Special temporary authority	Letter/Telegram.
	Transfer of control of corporation	FCC Form 703.
Public coast	New license	FCC Form 503.
Private coast	Modification of license	FCC Form 503.
Operational fixed	Renewal of license with modification	FCC Form 503.
Shore radionavigation	Assignment of authorization	FCC Forms 1046 and 503.
Shore radiolocation	Transfer of Control of Corporation	FCC Form 703.
Maritime support	Renewal of license without modification	FCC Form 405-A.
Alaska-public fixed	Special temporary authority	Letter/Telegram.
Alaska-private fixed		
Marine utility		

[1] FCC Form 808 also required when inspection is to be conducted during other than normal business hours.

§ 80.21 Supplemental information required.

Applications for radio stations to be located within designated radio protection areas, radio stations with a proposed antenna structure which will require antenna markings, a new public coast stations proposing operations in the 156–162 MHz band and new ship stations on vessels not located in the United States must contain supplementary information as indicated in this section. Other supplemental information may be required by other rule sections of this part concerning particular maritime services.

(a) To minimize harmful interference at the National Radio Astronomy Observatory site at Green Bank, Pocahontas County, W.Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W.Va., an applicant for a new station authorization (other than mobile or temporary fixed), or for modification of an existing license to change the frequency, power, antenna location, height or directivity within the area bounded by 39°15'N. on the north, 78°30'W. on the east, 37°30'N. on the south and 80°30'W. on the west, must, at the time of filing such application with the Commission, notify the Director, National Radio Astronomy Observatory, Attn: Interference Office, Post Office Box No. 2, Green Bank, W. Va. 24944, in writing, of the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. The application must show the date notification was made to the Observatory. The Commission will allow twenty (20) days after receipt of the notification for comments or objections. If a timely objection is received, the Commission will consider the comments or objections and act appropriately.

(b) Protection for Federal Communications Commission monitoring stations:

(1) Geographical coordinates of FCC facilities which require protection are listed in § 0.121(c) of this chapter. Applications for stations (except mobile stations) which will be located within 80 km (50 miles) of the referenced coordinates are examined to determine extent of possible interference. A clause protecting the monitoring station may be added to the station license.

(2) Prospective applicants of stations for which the calculated value of expected field strength exceeds 10 mV/m (-65.8 dBW/m^2) at the referenced coordinates, should consult with the FCC to determine if any protection is necessary. Write: Chief, Field Operations Bureau, Federal Communications Commission, Washington, DC 20554.

(c) Each application for a new public coast station operating on frequencies in the band 156–162 MHz must include as supplementary information a chart, with supporting data, showing the service area contour computed in accordance with Subpart P of this part.

(d) Each application for a new public coast station operating on frequencies in the band 156–162 MHz to be located within the coordination boundaries of "Arrangement "A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz", must comply with the provisions of the "Canada/U.S.A. Channeling Agreement for VHF Maritime, Public Correspondence" as contained in § 80.57.

(e) An application for a new station on a vessel not located in the United States must include:

(1) A statement that the vessel is not documented or otherwise registered by any foreign authority; and

(2) A statement that the foreign authorities where the vessel is located will not or cannot license the vessel radio equipment, or that they do not object to the licensing of the equipment by the United States.

§ 80.23 Filing of applications.

Rules about the filing of applications for radio station licenses are contained in this section.

(a) Each application must specify an address in the United States to be used by the Commission in serving

documents or directing correspondence to the licensee.

(b) An original of each application must be filed.

(c) Each application must be filed with the Federal Communications Commission, Gettysburg, Pa. 17325 unless otherwise noted on the application form.

(d) One application for two or more new maritime utility stations may be submitted when the applicant and proposed area of operation for each station is the same.

(e) One application for transfer of control may be submitted for two or more stations subject to this part when the individual stations are clearly identified and the following elements are the same for all existing or requested station authorizations involved:

(1) Applicant;

(2) Specific details of basic request.

§ 80.25 License term.

(a) Licenses for stations in the maritime services will normally be issued for a term of five years from the date of original issuance, major modification, or renewal.

(b) Licenses for stations engaged in developmental operation will be issued for a period not to exceed one year from date of grant.

§ 80.29 Changes during license term.

(a) The following table indicates the required action for changes made during the license term:

Type of change	Required action
Mailing address	Written notice to the Commission.
Name of licensee (without change in ownership, control or corporate structure).	Written notice to the Commission.
Transfer of control of a corporation.	Comply with § 1.924 of this chapter.
Assignment of a radio station license.	Comply with § 1.924 of this chapter.
Name of the vessel	Written notice to the Commission.
Addition of transmitting equipment which operates on a frequency or frequency band not authorized on present license.	Application for modification of license.
Addition or replacement of transmitting equipment on a frequency or frequency band authorized on present license.	None (provided the equipment is properly type accepted and the emission characteristics remain the same).

(b) Written notices must be sent to the Federal Communications Commission, Gettysburg, Pennsylvania 17325.

§ 80.31 Cancellation of license.

When a station subject to this part which is not a communication common carrier permanently discontinues operation, the licensee must return the station license to the Commission's office at P.O. Box 1040, Gettysburg, Pennsylvania 17325, for cancellation. Communication common carrier stations subject to this part must comply with the discontinuance of service provisions of Part 63 of this chapter.

§ 80.33 Developmental license.

This section contains rules about the licensing of developmental operations at stations subject to this part.

(a) *Supplemental eligibility.* An authorization for developmental operation will be issued only to persons eligible to operate such stations on a regular basis.

(b) *Showing required.* Each application for a developmental license must be accompanied by a letter showing that:

(1) The applicant has an organized plan of development leading to an objective;

(2) A point has been reached in the program where actual transmission by radio is essential to progress;

(3) The program will contribute to the use of the radio services subject to this part;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally qualified and possesses technical facilities for conduct of the program as proposed; and

(6) The public interest, convenience and necessity will be served by the proposed operation.

(c) *Signature and statement of understanding.* The showing must be signed by the applicant and state that the applicant agrees that any developmental license issued will be accepted with the express understanding that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(d) *Assignable frequencies.* Applicants for a developmental license may be authorized to use a frequency or frequencies available for the service and class of station proposed. The number of frequencies assignable to a particular station will depend upon the specific requirements of the developmental program and the number of frequencies available for use in the area where the station is to be operated.

(e) *Developmental program.* (1) The developmental program as described by the applicant in the application for authorization must be substantially followed unless the Commission otherwise directs.

(2) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions.

(3) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable to the authorized developmental program.

(f) *Use of developmental stations.* (1) Stations authorized to conduct developmental operations must conform to all applicable technical and operating requirements contained in this part, unless a waiver is specifically provided in the station authorization.

(2) Communication with any station of a country other than the United States is prohibited unless specifically provided in the station authorization.

(3) Developmental operations must not cause harmful interference to the operation of stations regularly authorized to use the frequency or frequencies.

(g) *Report of operation required.* A report on the results of the developmental program must be filed within 60 days of the expiration of the license. A report must accompany a request for renewal of the license. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information. However, public disclosure is governed by § 0.467 of this chapter. The report must include the following:

(1) Results of operation to date.

(2) Analysis of the results obtained.

(3) Copies of any published reports.

(4) Need for continuation of the program.

(5) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 80.37 One authorization for a plurality of stations.

Marine utility stations. One station license may be issued to authorize a designated maximum number of marine utility stations operating at temporary unspecified locations, normally in multiples of ten stations when:

(a) The licensee of each station is the same; and

(b) The authorized area of operation of each station is the same.

§ 80.39 Authorized station location.

This section describes the circumstances under which a coast station location is classified as permanent or temporary unspecified.

(a) *Permanent.* Whenever a station is to transmit from a single location, the station location is "permanent" and the location must be shown on the application.

(b) *Temporary unspecified.* Whenever a station is to transmit from unspecified locations within a prescribed geographical area, the station location is "temporary unspecified" and the proposed geographical operating area must be shown on the application.

§ 80.41 Control points and dispatch points.

This section applies to coast or fixed stations at permanent locations.

(a) Applicants must provide the address or location of the control point where station records will be kept.

(b) When the address or location of a control point where station records are kept is to be changed, the licensee must request a modification of the station license.

(c) Control points not collocated with station records and dispatch points may be installed and used without obtaining any authorization from the Commission.

§ 80.43 Equipment acceptable for licensing.

Transmitters listed in § 80.203 must be type accepted for a particular use by the Commission based upon technical requirements contained in Subparts E and F of this part.

§ 80.45 Frequencies.

When an application is submitted on FCC Form 503, the applicant must propose frequencies to be used by the station. The applicant must ensure that frequencies requested are consistent with the applicant's eligibility, the proposed class of station operation and the frequencies available for assignment as contained in Subpart H of this part.

§ 80.47 Operation during emergency.

A station may be used for emergency communications when normal communication facilities are disrupted. The Commission may order the discontinuance of any such emergency communication service.

§ 80.49 Time in which station is placed in operation.

This section applies to public coast and public fixed stations. When a new license has been issued or additional operating frequencies have been authorized, if the station or frequencies authorized have not been placed in operation within eight months from the date of the grant, the authorization becomes invalid and must be returned to the Commission for cancellation.

§ 80.51 Ship earth station licensing.

(a) In cases where a ship earth station is required to be commissioned before it is certified to use a privately owned satellite system, FCC Form 506 must be submitted to the Commission prior to transmission on any of the satellite frequency bands allocated for maritime satellite communications.

(b) A ship earth station authorized to operate the INMARSAT space segment must display the Commission license in conjunction with the commissioning certificate issued by the INMARSAT Organization. Ship earth stations that were operating in the MARISAT system and are not commissioned by the INMARSAT Organization will continue to be used in the INMARSAT system without a commissioning certificate issued by the INMARSAT Organization. The continued use of such equipment, however, will not be permitted after September 1, 1991, unless a commissioning certificate is obtained from the INMARSAT Organization. Notwithstanding the requirements in this paragraph, ship earth stations can operate in the INMARSAT space segment without an INMARSAT issued commissioning certificate provided an appropriate written approval is obtained from the INMARSAT Organization in addition to the Commission's license.

§ 80.53 Application for a portable ship station license.

(a) The Commission may grant a license permitting operation of a portable ship station aboard different vessels of the United States. Each application for a portable ship station must include a showing that:

(1) The station will be operated as an established class of station on board ship, and

(2) A station license for portable equipment is necessary to eliminate frequent application to operate a ship station on board different vessels.

§ 80.55 Application for a fleet station license.

(a) An applicant may apply for licenses for two or more radiotelephone stations aboard different vessels on the same application. Under these circumstances a fleet station license may be issued for operation of all radio stations aboard the vessels in the fleet.

(b) The fleet station license is issued on the following conditions:

(1) The licensee must keep a current list of vessel names and registration numbers authorized by the fleet license;

(2) The vessels do not engage in voyages to any foreign country;

(3) The vessels are not subject to the radio requirements of the Communications Act or the Safety Convention.

§ 80.56 Transfer of ship station license prohibited.

A ship station license may not be assigned. Whenever the vessel ownership is transferred, the previous authorization must be forwarded to the Commission for cancellation. The new owner must file for a new authorization.

§ 80.57 Canada/U.S.A. Channeling Arrangement for VHF Maritime Public Correspondence.

(a) *Canada/U.S.A. arrangement.* Pursuant to arrangements between the United States and Canada, assignment of VHF frequencies in the band 156–162 MHz to public coast stations in certain areas of Washington state, the Great Lakes and the east coast of the United States must be made in accordance with the provisions of this section.

(b) *Definitions.* On the west coast, specific terms are defined as follows:

(1) Inland Waters Public Correspondence Sector. A distinct geographical area in which one primary and one supplementary channel is allotted. A number of local channels may also be authorized.

(2) Coastal Waters Public Correspondence Sector. A distinct geographical area in which one primary and one supplementary channel is allotted. Local channels may also be authorized.

(3) Inland Waters. Inland waters of western Washington and British Columbia bounded by 47 degrees latitude on the south, the Canada/U.S.A. Coordination Zone Line B on the north, and to the west by 124 degrees 40 minutes longitude at the west entrance to the Strait of Juan de Fuca.

(4) Coastal Waters. Waters along the Pacific Coast of Washington state and Vancouver Island within the Canada/U.S.A. Coordination Zone.

(5) Inland Waters Primary Channel. A channel intended to cover the greater portion of an Inland Waters Public Correspondence Sector. It may provide some coverage to an adjacent sector but must not provide coverage beyond the adjacent sector. Harmful interference beyond the adjacent sector must not occur. Only one primary channel will be authorized in any sector.

(6) Inland Waters Supplementary Channel. A channel intended to improve coverage within a sector or to relieve traffic congestion on the primary channel. It may provide some coverage of an adjacent sector but must not provide coverage beyond the adjacent sector. Harmful interference beyond the

adjacent sector must not occur. Only one supplementary channel will be authorized in any sector.

(7) Inland Waters Local Channel. A channel designed to provide local coverage of certain bays, inlets and ports where coverage by primary or supplementary channels is poor or where heavy traffic loading warrants. A local channel must not cause harmful interference to any primary or supplementary channels. Coverage must be confined to the designated sector.

(8) Coastal Waters Primary Channel. Same as (5) except for technical characteristics.

(9) Coastal Waters Supplementary Channel. Same as (6) except for technical characteristics.

(10) Coastal Waters Local Channel. Same as (7) except for technical characteristics.

(c) *Technical characteristics.* On the west coast, technical characteristics of public correspondence stations will be as follows:

(1) Inland Waters Primary and Supplementary Channels. The effective radiated power (ERP) must not exceed 60 watts. Antenna height must not exceed 152 meters (500 feet) above mean sea level (AMSL) with the exceptions noted in paragraph (d)(5) of this section.

(2) Inland Waters Local Channel. ERP must not exceed 8 watts with an antenna height of no more than 15 meters (50 feet) AMSL or the ERP must not exceed 2 watts with an antenna height of no more than 30 meters (100 feet) AMSL.

(3) Coastal Waters Primary and Supplementary Channels. ERP must not exceed 125 watts with no antenna restrictions.

(4) Coastal Waters Local Channel. ERP must not exceed 10 watts with a maximum antenna height of 76 meters (250 feet) AMSL.

(5) Harmful interference will be determined and resolved using the definition and procedures of the ITU Radio Regulations.

(6) To keep the ERP and antenna elevations at a minimum and to limit coverage to the desired areas, an informal application may be filed for special temporary authority in accordance with §§ 1.41 and 1.925 to conduct a field survey to obtain necessary data for informal application. Such data may accompany the application and be used in lieu of theoretical calculations as required in Subpart P of this part. The Seattle FCC District Office must be notified in advance of scheduled tests.

(d) *Canada/U.S.A. channeling arrangement for West Coast VHF maritime mobile public correspondence.* (1) The provisions of the Canada/U.S. channeling arrangement apply to waters of the State of Washington and of the Province of British Columbia within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz. In addition, all inland waters as far south as Olympia are to be included. A map of these waters is contained in paragraph (d)(6) of this section, Figure 1.

(2) The channeling arrangement applies to the following VHF public correspondence channels: Channels 24, 84, 25, 85, 26, 86, 27, 87 and 28.

(3) Public correspondence stations may be established by either country in accordance with the provisions of the arrangements. However, there must be an exchange of information prior to the establishment of new stations or a change in technical parameters of existing stations. Any channel except that used as primary or supplementary channel in a given sector is available for use as a local channel in that sector. Local channels are not protected from interference caused by primary or supplementary channels in adjacent sectors if these stations are in compliance with this section.

(4) Preliminary local Canadian/U.S. coordination is required for all applications at variance with this section. This coordination will be in accordance with the provisions of Arrangement "A" of the Canada/U.S. Frequency Coordination Agreement over 30 MHz. Stations at variance with the arrangement are not protected from interference and must not cause interference to existing or future stations which are in accordance with the agreement.

(5) Stations in existence at the time of the arrangement must have complied with the provisions of the arrangement within 12 months after it became effective with the following exceptions:

(i) Public coast (VHF) stations:
KOH627 Tacoma, Washington
KOH630 Seattle, Washington
WXY956 Camano, Washington
VAI2 Mount Parke, British Columbia
VAS5 Watts Point, British Columbia
XLK672 Bowen Island, British Columbia

(ii) These stations employing frequencies assigned at the time of the arrangement may be maintained with existing antenna heights in excess of 152 meters (500 feet) unless harmful interference to existing stations is identified and reported directly to the Federal Communications Commission or through the Public Correspondence Committee of the North Pacific Marine Radio Council.

(6) The agreed channeling arrangements for the west coast are as follows:

Public correspondence sector	Primary channel	Supplementary channel
British Columbia (Coastal Waters):		
Tofino	24	26
Barkley Sound	27	87
British Columbia (Inland Waters)		
Juan de Fuca West (Canada)	26	24
Juan de Fuca East (Canada)	86	84
Gulf Islands	27	[1]
Strait of Georgia South	26	86
Howe Sound	24	84
Strait of Georgia North	26	97
Campbell River	28	95
Washington (Coastal Waters):		
Cape Johnson	26	95
Point Grenville	28	25
Washington (Inland Waters):		
Juan de Fuca West (U.S.A.)	28	[1]
Juan de Fuca East (U.S.A.)	25	[1]
San Juan Islands	28	85
Puget Sound North	24	87
Puget Sound Hood Canal	26	25
Lower Puget Sound	26	85

[1] Supplementary channel not available.

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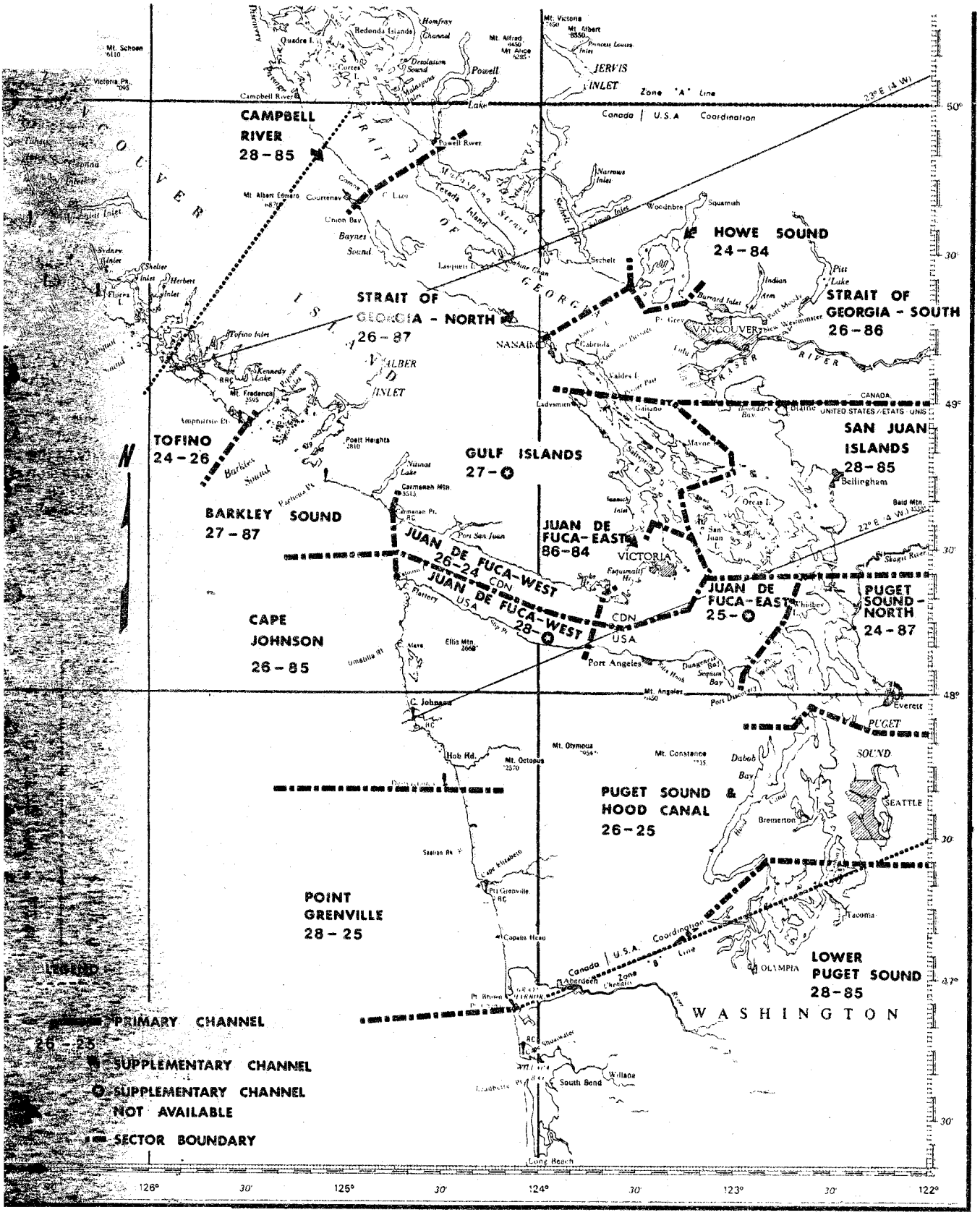
CAMPBELL RIVER 28-85
HOWE SOUND 24-84
STRAIT OF GEORGIA - NORTH 26-87
STRAIT OF GEORGIA - SOUTH 26-86
TOFINO 24-26
GULF ISLANDS 27-
SAN JUAN ISLANDS 28-85
BARKLEY SOUND 27-87
JUAN DE FUCA-EAST 86-84
JUAN DE FUCA-WEST 26-24 CDN
JUAN DE FUCA-WEST 28- USA
JUAN DE FUCA-EAST 25-
PUGET SOUND-NORTH 24-87
CAPE JOHNSON 26-85
PUGET SOUND & HOOD CANAL 26-25
POINT GRENVILLE 28-25
LOWER PUGET SOUND 28-85
Canada / U.S.A Coordination Zone "A" Line
Canada / U.S.A. Coordination Zone "8" Line
LEGEND
PRIMARY CHANNEL
26-25
SUPPLEMENTARY CHANNEL
SUPPLEMENTARY CHANNEL NOT AVAILABLE
SECTOR BOUNDARY
VANCOUVER
VICTORIA
SEATTLE
WASHINGTON
CANADA
UNITED STATES / ETATS-UNIS

Figure 1

(e) *Canada/U.S.A. VHF channeling arrangement on the Great Lakes and the St. Lawrence Seaway.* Channels on the Great Lakes and the St. Lawrence Seaway will be assigned as follows:

(1) The provisions of the arrangement apply to the waters of the Great Lakes and the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordiantion Agreement above 30 MHz.

(2) The arrangement applies to the following public correspondence channels: channels 24, 84, 25, 85, 26, 86, 27, 87, 28, and 88.

(3) Canada and the U.S.A. use the following channeling arrangement:

(i) Canadian channels: 24, 85, 27, 88 (Note 1).

(ii) U.S.A. channels: 84, 25, 86, 87, 28 (Note 2).

(iii) Shared channels: 26 (Note 3).

Note 1: Also assignable to U.S. Stations within the frequency coordination zone following successful coordination with Canada.

Note 2: Also assignable to Canadian station within the frequency coordination zone following successful coordination with the United States.

Note 3: Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

(f) *Canada/U.S.A. channeling arrangement for East Coast VHF maritime mobile public correspondence.* For purposes of this section, channels on the east coast will be assigned as follows:

(1) The provisions of the arrangement apply to the Canadian and U.S.A. east coast waters including the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

(2) The arrangement applies to the following public correspondence channels: channels 24, 84, 25, 85, 26, 86, 27, 87, 28, and 88.

(3) Canada and the U.S.A. use the following channeling arrangement:

(i) Canadian channels: 24, 85, 27, 88 (Note 1).

(ii) U.S.A. channels: 84, 25, 86, 87, 28 (Note 2).

(iii) Shared channel: 26 (Note 3).

Note 1: Also assignable to U.S. stations within the frequency coordination zone following successful coordination with Canada.

Note 2: Also assignable to Canadian stations within the frequency coordination zone following successful coordination with the United States.

Note 3: Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

§ 80.59 Compulsory ship stations.

(a) *Application for inspection and certification.* An application for inspection and certification must be submitted to the Engineer in Charge of the FCC District Office nearest the proposed place of inspection on one of the following forms at least three days before the proposed inspection date:

(1) FCC Form 801 must be used to apply for a ship radio inspection on board ships subject to Part II or Part III of Title III of the Communications Act, the Safety Convention or the Great Lakes Radio Agreement. In addition, FCC Form 801 must be used to apply for inspections of bridge-to-bridge radio stations on board vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act when they are additionally subject to any of the laws and treaties mentioned in the previous sentence.

(2) FCC Form 808 must be used to apply for a ship radio inspection on board ships subject to Part II of Title III of the Communications Act or the Great Lake Radio Agreement on a Sunday or national holiday or during other than established working hours on any other day.

(b) *Responsibilities.* Applicants for a ship radio inspection subject to Parts II or III of Title III of the Communications Act, the Safety Convention, or the Great Lakes Radio Agreement must ensure that a licensed radio operator of the required class and endorsements, and sufficient personnel to lower and raise antennas and to launch any radio equipped survival craft are available on the ship at the time of inspection. The radio operator provided must be either a regularly assigned radio operator or a service representative.

(c) *Application for exemption.* FCC Form 820 must be used to apply for exemption from the radio provisions of Parts II or III of Title III of the Communications Act, the Safety Convention, or the Great Lakes Radio Agreement, or for modification or renewal of an exemption previously granted. Applications for exemptions must be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554. In cases of emergency, the Commission may consider an informal application which includes the full information normally furnished on the formal application.

(d) *Temporary waiver of annual inspection.* The Commission may grant a waiver of the annual inspection for a period not to exceed 30 days from the time of first arrival of a ship at a United States port directly from a foreign port for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be made.

(1) An informal application (such as a letter or telegram, or telephone call to be confirmed by letter) for waiver of inspection must be submitted by either the vessel owner, the vessel's operating agency, the ship station licensee or the master of the vessel. The application must be submitted not earlier than 3 days in advance of the vessel's arrival at the United States port. The application must be submitted to the Commission's Engineer in Charge of the FCC District Office nearest the port of arrival. The application must include:

(i) The ship's name and radio call sign;

(ii) The name of the first United States port of arrival directly from a foreign port;

(iii) The date of arrival;

(iv) The date and port at which annual inspection will be formally requested to be conducted;

(v) Reason for requesting waiver; and

(vi) A statement that the ship's compulsory radio equipment is operable.

(e) *Compensation for overtime services.* Under section 4(f)(3) of the Communications Act, Engineers in Charge and Radio Engineers of the Field Operations Bureau of the Federal Communications Commission who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purpose of Part II of Title III of the Communications Act or the Great Lakes Radio Agreement at night or on Sundays and holidays must receive extra compensation to be paid by the master, owner, or agent of the vessel under the following regulations:

(1) The rates of extra compensation are payable in cases where the services of such engineers have been duly requested and they have reported for duty, even though no actual service may be performed.

(2) The extra compensation for overtime services is in addition to the regular compensation paid by the government in the cases of engineers whose compensation is fixed on the ordinary per diem basis and those receiving compensation per month or per annum.

(3) Extra compensation for "waiting time" will not be allowed unless and until the engineer actually reports for duty.

(4) For the purpose of computing extra compensation, the word "night" means the time between the established closing hour of one day at the office involved

and the established opening hour of the following business day at such office, but will not include any such time within the 24 hours of a Sunday or holiday. Each Sunday and each holiday will comprise the 24 hours between midnight and midnight. For the purposes of this section, the time between the established closing hour of an office and midnight of the day immediately preceding a Sunday or holiday and the time from midnight until the established opening hour of the day immediately following the Sunday or holiday will be considered as a single night. The term "holiday" includes only government recognized holidays, and such other days as may be designated national holidays by the President or Congress.

(5) For authorized service in excess of 8 hours on any day excluding Sunday and holidays, extra compensation equivalent to one-half day's pay is payable for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the 8 hours when the overtime is not less than 1 hour. The maximum amount which may be paid for authorized overtime services on any day other than on a Sunday or holiday must not exceed 2½ days' pay.

(6) In computing the amount earned for overtime at the rate of "one-half day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the established closing hour", one-half day's pay must be one-half of the gross daily rate of pay; each 2 hours is the time period for the purpose of computation; at least 1 hour means the minimum service in any 2-hour overtime period for which extra pay may be granted, and each additional period in the amount of 2 hours or fraction thereof of at least 1 hour will entitle the engineer to an additional one-half day's pay. Payment of extra compensation for services consisting of at least 1 hour is authorized from the established closing hour, even though such services may not actually begin until later, provided that the engineer rendering the service remained on duty after the established closing hour, in which case the time between the established closing hour, and the time of beginning the actual services must be computed as waiting time. Where the performance of actual service is preceded by such a waiting time there should be an affirmative statement that the engineer was required to remain on duty between the established closing hour and the time of beginning the actual services.

(7) In computing extra compensation where the services rendered are in broken periods, the time served should be combined with the waiting time and computed as continuous service.

(8) The same considerations must apply when charging for waiting time as govern the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least 1 hour.

(9) For any authorized services performed on Sundays and holidays, totalling not more than 8 hours, extra compensation is payable equivalent to two day's pay in addition to any regular compensation for such days. For any authorized service in excess of 8 hours (starting either before or after 5 p.m. local time) extra compensation at the rate of one-half days' pay, based on the normal daily rate of pay, for each two hours of service or fraction thereof of not less than 1 hour, is payable in addition to the extra compensation payable for service up to and including 8 hours of service. The maximum extra compensation payable for work on Sundays and holidays is 4½ days' pay.

(10) When engineers are in travel status overtime will apply the same as if they were at an official station. However, compensation for such overtime must not include travel time.

(11) Assessments and collection of fees against steamship companies for overtime services must be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

(12) An application on FCC Form 808 must be filed with the office being requested to furnish overtime services before such assignment can be made.

(13) Overtime services must be billed to the steamship companies as soon as possible after the services have been performed and on a collection voucher (FCC Form 907). Remittance shall be by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded to that officer at the port indicated on the voucher, who shall in turn deposit such remittance on a properly designated receipt account.

(14) Protests against the extraction of extra compensation must be forwarded to the Commission at Washington, DC, and a copy sent to the office which furnished the overtime services.

Subpart C—Operating Requirements and Procedures

Station Requirements—General

§ 80.61 Commisson inspection of stations.

All stations and required station records must be made available for inspection by authorized representatives of the Commission.

§ 80.63 Maintenance of transmitter power.

(a) The power of each radio transmitter must not be more than that necessary to carry on the service for which the station is licensed.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter rated by the manufacturer for carrier power in excess of 100 watts must contain the instruments necessary to determine the transmitter power during its operation.

Station Requirements—Land Stations

§ 80.67 General facilities requirements for coast stations.

(a) All coast stations licensed to transmit in the band 156–162 MHz must be able to transmit and receive on 156.800 MHz and at least one working frequency in the band.

(b) All coast stations that operate telephony on frequencies in the 1605–3500 kHz band must be able to transmit and receive using J3E emission on the frequency 2182 kHz and at least one working frequency in the band. In addition, each such public coast station must transmit and receive H3E emission on the frequency 2182 kHz.

§ 80.68 Facilities requirements for public coast stations using telegraphy.

Public coast station using telegraphy must be provided with the following facilities.

(a) Stations having a frequency assignment below 150 kHz must:

(1) Transmit A1A emission on at least one working frequency within the band 100–150 kHz;

(2) Receive A1A emission on all radio channels authorized for transmission by mobile stations operating in the maritime mobile service for telegraphy within the band 100–150 kHz.

(b) Stations having a frequency assignment within the 405–525 kHz band must transmit and receive on 500 kHz and at least one working frequency in the band.

(c) Stations having frequency assignments above 4000 kHz must be equipped to receive on each of their assigned frequencies and all ship station radiotelegraphy frequencies in the same sub-band as the assigned frequency of the coast station. See Subpart H of this part for the list of frequencies.

§ 80.69 Facilities requirement for public coast stations using telephony.

Public coast stations using telephony must be provided with the following facilities.

(a) When the station is authorized to use frequencies in the 1605–3500 kHz

band, equipment meeting the requirements of §80.67(b) must be installed at each transmitting location.

(b) The transmitter power on the frequency 2182 kHz must not exceed 50 watts carrier power for normal operation. During distress, urgency and safety traffic, operation at maximum power is permitted.

§ 80.70 Special provisions relative to coast station VHF facilities.

(a) Coast stations which transmit on the same radio channel above 150 MHz must minimize interference by reducing radiated power, by decreasing antenna height or by installing directional antennas. Coast stations at locations separated by less than 241 kilometers (150 miles) which transmit on the same radio channel above 150 MHz must also consider a time-sharing arrangement. The Commission may order station changes if agreement cannot be reached between the involved licensees.

(b) Coast stations which transmit on a radio channel above 150 MHz and are located within interference range of any station within Canada or Mexico must minimize interference to the involved foreign station(s), and must notify the Commission of any station changes.

§ 80.71 Operating controls for stations on land.

Each coast station, Alaska-public fixed station and Alaska-private fixed station must provide operating controls in accordance with the following:

(a) Each station using telegraphy or telephony must be capable of changeover from transmission to reception and vice versa within two seconds excluding a change in operating radio channel.

(b) During it hours of service, each station must be capable of:

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer desired. The emission of an unattended station in an automated multistation system at which restoration to standby is automatic on conclusion of a call must be discontinued within three seconds of the disconnect signal or, if a disconnect signal is not received, within twenty seconds after reception of the final carrier transmission from a ship station.

(c) Each station using a multichannel installation for telegraphy must be capable of changing from one telegraphy channel to any other telegraphy channel within the same sub-band below 525 kHz within five seconds. This requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(d) Every coast station using a multi-channel installation for radiotelephony must be capable of changing from one telephony channel to another telephony channel within:

(1) Five seconds within the frequency band 1605–3500 kHz; or

(2) Three seconds within the band 156–162 MHz. This requirement also applies to marine utility stations.

§ 80.72 Antenna requirements for coast stations.

All emissions of a coast station a marine-utility station operated on shore using telephony within the frequency band 30–200 MHz must be vertically polarized.

§ 80.74 Public coast station facilities for a telephony busy signal.

A "busy" signal, when used by a public coast station in accordance with the provisions of § 80.111(d), must consist of the transmission of a single audio frequency regularly interrupted, as follows:

(a) Audio frequency: Not less than 100 nor more than 1100 Hertz, provided the frequency used for this purpose will not cause auto alarms or selective-ringing devices to be operated.

(b) Rate of interruption: 60 times per minute ± 10%.

(c) Duration of each interruption: 0.5 second ± 10%.

§ 80.76 Requirements for land station control points.

Each coast or fixed station subject to this part must have the following facilities:

(a) Except for marine utility stations, a visual indication of antenna current; or a pilot lamp, meter or equivalent device which provides continuous visual indication whenever the transmitter control circuits have been actuated.

(b) Capability to aurally monitor all transmissions originating at dispatch points and to disconnect the dispatch points from the transmitter or to terminate the operation of the transmitter.

(c) Facilities which will permit the responsible operator to turn the carrier of the radio transmitter on and off at will.

Station Requirements—Ship Stations

§ 80.79 Inspection of ship station by a foreign Government.

The Governments or appropriate administrations of countries which a ship visits may require the license of the ship station or ship earth station to be produced for examination. When the license cannot be produced without delay or when irregularities are observed, Governments or administrations may inspect the radio installations to satisfy themselves that the installation conforms to the conditions imposed by the Radio Regulations.

§ 8080 Operating controls for ship stations.

(a) Each control point must be capable of:

(1) Starting and discontinuing operation of the station;

(2) Changing frequencies within the same sub-band;

(3) Changing from transmission to reception and vice versa.

(4) In the case of stations operating in the 156–162 MHz bands, reducing power output to one watt or less in accordance with § 80.215(e).[1]

(b) Each ship station using telegraphy must be capable of changing from telegraph transmission to telegraph reception and vice versa without manual switching.

(c) Each ship station using telephony must be capable of changing from transmission to reception and vice versa within two seconds excluding a change in operating radio channel.

(d) During its hours of service, each ship station must be capable of:

(1) Commencing operation within one minute;

(2) Discontinuing all emission within five seconds after emission is no longer desired.

(e) Each ship station using a multi-channel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kHz) must be capable of changing from one radio channel to another within:

(1) Five seconds if the channels are within the same sub-band; or

(2) Fifteen seconds if the channels are not within the same sub-band.

(f) Each ship station and marine-utility station using a multi-channel installation for telephony must be capable of changing from one radio channel to another within:

[1] Ship station transmitters, except hand-held portable transmitters, manufactured after January 21, 1987 must automatically reduce the carrier power to one watt or less when tuned to the frequency 156.375 MHz or 156.650 MHz. All ship station transmitters, except portable ship station transmitters, used after January 21, 1997, must automatically reduce power as described above. A manual override device must be provided which when held by the operator will permit full carrier power operation on channels 13 and 67. Portable ship station transmitters must be capable of reducing power to one watt, but need not do so automatically.

(1) Five seconds within the band 1605–3500 kHz; or

(2) Three seconds within the band 156–162 MHz.

(g)(1) Any telegraphy transmitter constructed since January 1, 1952, that operates in the band 405–525 kHz with an output power in excess of 250 watts must be capable of reducing the output power to 150 watts or less.

(2) The requirement of paragraph (g)(1) of this section does not apply when there is available in the same station a transmitter capable of operation on the international calling frequency 500 kHz and at least one working frequency within the band 405–525 kHz, capable of being energized by a source of power other than an emergency power source and not capable of an output in excess of 100 watts when operated on such frequencies.

§ 80.81 Antenna requirements for ship stations.

All telephony emissions of a ship station or a marine utility station on board ship within the frequency band 30–200 MHz must be vertically polarized.

Operating Procedures—General

§ 80.86 International regulations applicable.

In addition to being regulated by these rules, the use and operation of stations subject to this part are governed by the Radio Regulations and the radio provisions of all other international agreements in force to which the United States is a party.

§ 80.87 Cooperative use of frequency assignments.

Each radio channel is available for use on a shared basis only and is not available for the exclusive use of any one station or station licensee. Station licensees must cooperate in the use of their respective frequency assignments in order to minimize interference and obtain the most effective use of the authorized radio channels.

§ 80.88 Secrecy of communication.

The station licensee, the master of the ship, the responsible radio operators and any person who may have knowledge of the radio communications transmitted or received by a fixed, land, or mobile station subject to this part, or of any radiocommunication service of such station, must observe the secrecy requirements of the Communications Act and the Radio Regulations. See Sections 501, 502, and 705 of the Communications Act and Article 23 of the Radio Regulations.

§ 80.89 Unauthorized transmissions.

Stations must not:

(a) Engage in superfluous radiocommunication.

(b) Use telephony on 243 MHz.

(c) Use selective calling on 2182 kHz or 156.800 MHz.

(d) When using telephony, transmit signals or communications not addressed to a particular station or stations. This provision does not apply to the transmission of distress, alarm, urgency, or safety signals or messages, or to test transmissions.

(e) When using telegraphy, transmit signals or communications not addressed to a particular station or stations, unless the transmission is preceded by CQ or CP or by distress, alarm, urgency, safety signals, or test transmissions.

(f) Transmit while on board vessels located on land. Vessels in the following situations are not considered to be on land for the purposes of this paragraph:

(1) Vessels which are aground due to a distress situation;

(2) Vessels in drydock undergoing repairs; and

(3) State or local government vessels which are involved in search and rescue operations including related training exercises.

§ 80.90 Suspension of transmission.

Transmission must be suspended immediately upon detection of a transmitter malfunction and must remain suspended until the malfunction is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission must be suspended as soon as the emergency is terminated.

§ 80.91 Order of priority of communications.

(a) The order of priority of radiotelegraph communications is as follows:

(1) Distress calls including the international distress signal for radiotelegraphy, the international radiotelegraph alarm signal, the international radiotelephone alarm signal, distress messages and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal.

(3) Communications preceded by the international radiotelegraphy safety signal.

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships, including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radiocommunication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications is as follows:

(1) Distress calls including the international distress signal for radiotelephony, the international radiotelephone alarm signal, distress messages and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal, or known to the station operator to consist of one or more urgent messages concerning the safety of a person, aircraft or other mobile unit.

(3) Communications preceded by the international radiotelephone safety signal, or known to the station operator to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known by the station operator to consist of one or more messages relative to the navigation, movements and needs of ships, including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 80.92 Prevention of interference.

(a) The station operator must determine that the frequency is not in use by monitoring the frequency before transmitting, except for transmission of signals of distress.

(b) When a radiocommunication causes interference to a communication which is already in progress, the interfering station must cease transmitting at the request of either party to the existing communication. As between nondistress traffic seeking to commence use of a frequency, the priority is established under § 80.91.

(c) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with public coast stations. The ship or aircraft stations which cause interference must stop transmitting or change frequency upon the first request of the affected coast station.

§ 80.93 Hours of service.

(a) *All stations.* All stations whose hours of service are not continuous must not suspend operation before having concluded all communication required in connection with a distress call or distress traffic.

(b) *Public coast stations.* (1) Each public coast station whose hours of service are not continuous must not suspend operation before having concluded all communication involving messages or calls originating in or destined to mobile stations within range and mobile stations which have indicated their presence.

(2) Unless otherwise authorized by the Commission upon adequate showing of need, each public coast station authorized to operate on frequencies in the 3000–23,000 kHz band must maintain continuous hours of service.

(c) *Compulsory ship stations.* Compulsory ship stations whose service is not continous may not suspend operation before concluding all traffic originating in or destined for public coast stations situated within their range and mobile stations which have indicated their presence.

(d) *Other than public coast or compulsory ship stations.* The hours of service of stations other than public coast or compulsory ship stations are determined by the station licensee.

§ 80.94 Control by coast or Government station.

When communicating with a coast station or any Government station in the maritime mobile service, ship stations must comply with the instruction given by the coast station or Government station relative to the order and time of transmission, the choice of frequency, the suspension of communication and the permissible type of message traffic that may be transmitted. This provision does not apply in the event of distress.

§ 80.95 Message charges.

(a) Charges must not be made for service of:

(1) Any public coast station unless tariffs for the service are on file with the Commission;

(2) Any station other than a public coast station or an Alaska—public fixed station, except cooperatively shared stations covered by § 80.503;

(3) Distress traffic; and

(4) Navigation hazard warnings preceded by the SAFETY signal.

(b) The licensee of each ship station is responsible for the payment of all charges accruing to any other station(s) or facilities for the handling or forwarding of messages or communications transmitted by that station.

(c) In order to be included in the ITU List of Coast Stations public coast stations must recognize international Accounting Authority Identification Codes (AAIC) for purposes of billing and accounts settlement in accordance with Article 66 of the Radio Regulations. Stations which elect not to recognize international AAIC's will be removed from the ITU List of Coast Stations.

§ 80.96 Maintenance tests.

Stations are authorized to engage in test transmissions necessary for maintenance of the station. Test transmissions must conform to appropriate test operating procedures.

§ 80.97 Radiotelegraph operating procedures.

This section applies to ships and coast stations authorized to transmit in the band 405–525 kHz.

(a) Except for the transmission of distress or urgency signals, all transmissions must cease within the band 485–515 kHz during each 500 kHz silence period.

(b) Stations transmitting telegraphy must use the service abbreviations ("Q" code) listed in Appendix 14 to the Radio Regulations.

(c) The call consists of:

(1) The call sign of the station called, not more than twice; the word "DE" and the call sign of the calling station, not more than twice; if useful, the frequency on which the called station should reply; and the letter "K".

(2) If the call is transmitted twice at an interval of not less than one minute, it must not be repeated until after an interval of three minutes.

(d) The reply to calls consists of: The call sign of the calling station, not more than twice; the word "DE"; and the call sign of the station called, once only.

§ 80.98 Radiotelegraph testing procedures.

(a) Stations authorized to use telegraphy may conduct tests on any assigned frequency. Emissions must not cause harmful interference. When radiation is necessary the radiotelegraph testing procedure described in this paragraph must be followed:

(1) The operator must not interfere with transmissions in progress.

(2) The operator must transmit "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made. When the frequency of the test emission is within the frequency band 405–525 kHz, a watch must be maintained on 500 kHz throughout the test period.

(3) If any station transmits "AS" (wait), testing must be suspended. When transmission of "IE" is resumed and no response is heard, the test may proceed.

(4) Test signals composed of a series of "VVV" having a duration of not more than ten seconds, followed by the call sign of the testing station will be transmitted. The call sign must be sent clearly at a speed of approximately 10 words per minute. This test transmission must not be repeated until a period of at least one minute has elapsed. On 500 kHz in a region of heavy traffic, at least five minutes must elapse before the test transmission is repeated.

(b) When testing is conducted on 500 kHz, no tests will be conducted during the 500 kHz silence periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

(c) When testing is conducted on any frequency in the band 8362–8366 kHz, tests must not actuate any automatic alarm receiver.

§ 80.99 Radiotelegraph station identification.

This section applies to coast, ship and survival craft stations authorized to transmit in the band 405–525 kHz.

(a) The station transmitting radiotelegraph emissions must be identified by its call sign. The call sign must be transmitted with the telegraphy emission normally used by the station. The call sign must be transmitted at 20 minute intervals when transmission is sustained for more than 20 minutes. When a ship station is exchanging public correspondence communications, the identification may be deferred until completion of each communication with any other station.

(b) The requirements of this section do not apply to survival craft stations when transmitting distress signals automatically or when operating on 121.500 MHz for radiobeacon purposes.

(c) Emergency position indicating radiobeacon stations do not require identification.

§ 80.100 Morse code requirement.

The code employed for telegraphy must be the Morse code specified in the Telegraph Regulations annexed to the International Telecommunication Convention. Pertinent extracts from the Telegraph Regulations are contained in the "Manual for Use by the Maritime Mobile and Maritime Mobile-Satellite Services" published by the International Telecommunication Union.

§ 80.101 Radiotelephone testing procedures.

This section is applicable to all stations using telephony except where otherwise specified.

(a) Station licensees must not cause harmful interference. When radiation is necessary or unavoidable, the testing procedure described below must be followed:

(1) The operator must not interfere with transmissions in progress.

(2) The testing station's call sign, followed by the word "test", must be announced on the radio-channel being used for the test.

(3) If any station responds "wait", the test must be suspended for a minimum of 30 seconds, then repeat the call sign followed by the word "test" and listen again for a response. To continue the test, the operator must use counts or phrases which do not conflict with normal operating signals, and must end with the station's call sign. Test signals must not exceed ten seconds, and must not be repeated until at least one minute has elapsed. On the frequency 2182 kHz or 156.800 MHz, the time between tests must be a minimum of five minutes.

(b) Testing of transmitters must be confined to single frequency channels on working frequencies. However, 2182 kHz and 156.800 MHz may be used to contact ship or coast stations as appropriate when signal reports are necessary. Short tests on 2182 kHz by vessels with DSB (A3) equipment for distress and safety purposes are permitted to evaluate the compatibility of that equipment with an A3J emission system. U.S. Coast Guard stations may be contacted on 2182 kHz or 156.800 MHz for test purposes only when tests are being conducted during inspections by Commission representatives, when qualified radio technicians are installing or repairing the station radiotelephone equipment, or when qualified ship's personnel conduct an operational check requested by the U.S. Coast Guard. In these cases the test must be identified as "FCC" or "technical".

(c) Survival craft transmitter tests must not be made within actuating range of automatic alarm receivers. Survival craft transmitters must not be tested on the frequency 500 kHz during the silence periods.

§ 80.102 Radiotelephone station identification.

This section applies to all stations using telephony which are subject to this part.

(a) Except as provided in paragraph (d), stations must give the call sign in English. Identification must be made:

(1) At the beginning and end of each communication with any other station.

(2) At 15 minute intervals when transmission is sustained for more than 15 minutes. When public correspondence is being exchanged with a ship or aircraft station, the identification may be deferred until the completion of the communications.

(b) Private coast stations located at drawbridges and transmitting on the navigation frequency 156.650 MHz may identify by use of the name of the bridge in lieu of the call sign.

(c) Ship stations transmitting on any authorized VHF bridge-to-bridge channel may be identified by the name of the ship in lieu of the call sign.

(d) Ship stations operating in a vessel traffic service system or on a waterway under the control of a U.S. Government agency or a foreign authoriy, when communicating with such an agency or authority may be identified by the name of the ship in lieu of the call sign, or as directed by the agency or foreign authority.

§ 80.103 Digital selective calling (DSC) operating procedures.

(a) Operating procedures for the use of DSC equipment in the maritime mobile service are as contained in CCIR Recommendation 541 as modified by paragraph (c) of this section.

(b) When using DSC techniques, coast and ship stations must use nine digit maritime mobile service identities.

(c) DSC acknowledgement of DSC distress and safety calls must be made by designated coast stations and such acknowledgement must be in accordance with procedures contained in CCIR Recommendation 541. Nondesignated public and private coast stations must follow the guidance provided for ship stations in CCIR Recommendation 541 with respect to DSC "Acknowledgement of distress calls" and "Distress relays".

§ 80.104 Identification of radar transmissions not authorized.

This section applies to all maritime radar transmitters except radar beacon stations.

(a) Radar transmitters must not transmit station identification.

Operating Procedures—Land Stations

§ 80.105 General obligations of coast stations.

Each coast station or marine-utility station must acknowledge and receive all calls directed to it by ship or aircraft stations. Such stations are permitted to transmit safety communication to any ship or aircraft station.

§ 80.106 Intercommunication in the mobile service.

(a) Each public coast station must exchange radio communications with any ship or aircraft station at sea; and each station on shipboard or aircraft at sea must exchange radio communications with any other station on shipboard or aircraft at sea or with any public coast station.

(b) Each public coast station must acknowledge and receive all communications from mobile stations directed to it, transmit all communications delivered to it which are directed to mobile stations within range in accordance with their tariffs. Discrimination in service is prohibited.

§ 80.107 Service of private coast stations and marine-utility stations.

A private coast station or a marine-utility station is authorized to transmit messages necessary for the private business and operational needs of ships and the safety of aircraft.

§ 80.108 Transmission of traffic lists by coast stations.

(a) Each coast station is authorized to transmit lists of call signs in alphabetical order of all mobile stations for which they have traffic on hand. These traffic lists will be transmitted on the station's normal working frequencies at intervals of:

(1) In the case of telegraphy, at least two hours and not more than four hours during the working hours of the coast station.

(2) In the case of radiotelephony, at least one hour and not more than four hours during the working hours of the coast station.

(b) The announcement must be as brief as possible and must not be repeated more than twice. Coast stations may announce on a calling frequency that they are about to transmit call lists on a specific working frequency.

§ 80.109 Transmission to a plurality of mobile stations by a public coast station.

Group calls to vessels under the common control of a single entity and information for the general benefit of mariners including storm warnings, ordinary weather, hydrographic information and press materials may be transmitted by a public coast station simultaneously to a plurality of mobile stations.

§ 80.110 Inspection and maintenance of tower markings and associated control equipment.

The licensee of any radio station which has an antenna structure required

to be painted or illuminated pursuant to the provisions of section 303(q) of the Communications Act must operate and maintain the tower marking and associated control equipment in accordance with Part 17 of this chapter.

§ 80.111 Radiotelephone operating procedures for coast stations.

This section applies to all coast stations using telephony which are subject to this part.

(a) *Limitations on calling.* Except when transmitting a general call to all stations for announcing or preceding the transmission of distress, urgency, or safety messages, a coast station must call the particular station(s) with which it intends to communicate.

(2) Coast stations must call ship stations by voice unless it is known that the particular ship station may be contacted by other means such as automatic actuation of a selective ringing or calling device.

(3) Coast stations may be authorized emission for selective calling on each working frequency.

(4) Calling a particular station must not continue for more than one minute in each instance. If the called station does not reply, that station must not again be called for two minutes. When a called station does not reply to a call sent three times at intervals of two minutes, the calling must cease for fifteen minutes. However, if harmful interference will not be caused to other communications in progress, the call may be repeated after three minutes.

(5) A coast station must not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmissions by coast stations on 2182 kHz or 156.800 MHz must be minimized and any one exchange of communications must not exceed one minute in duration.

(c) *Change to working frequency.* After establishing communications with another station by call and reply on 2182 kHz or 156.800 MHz coast stations must change to an authorized working channel for the transmission of messages.

(d) *Use of busy signal.* A coast station, when communicating with a ship station which transmits to the coast station on a radio channel which is a different channel from that used by the coast station for transmission, may transmit a "busy" signal whenever transmission from the ship station is being received. The characteristics of the "busy" signal are contained in § 80.74.

Operating Procedures—Ship Stations

§ 80.114 Authority of the master.

(a) The service of each ship station must at all times be under the ultimate control of the master, who must require that each operator or such station comply with the Radio Regulations in force and that the ship station is used in accordance with those regulations.

(b) These rules are waived when the vessel is under the control of the U.S. Government.

§ 80.115 Operational conditions for use of associated ship units.

(a) Associated ship units may be operated under a ship station authorization. Use of an associated ship unit is restricted as follows:

(1) It must only be operated on the safety and calling frequency 156.800 MHz or on commercial or noncommercial VHF intership frequencies appropriate to the class of ship station with which it is associated.

(2) Except for safety purposes, it must only be used to communicate with the ship station with which it is associated or with associated ship units of the same ship station. Such associated ship units may not be used from shore.

(3) It must be equipped to transmit on the frequency 156.800 MHz and at least one appropriate intership frequency.

(4) Calling must occur on the frequency 156.800 MHz unless calling and working on an intership frequency has been prearranged.

(5) Power is limited to one watt.

(6) The station must be identified by the call sign of the ship station with which it is associated and an appropriate unit designator.

(b) State or local government vehicles used to tow vessels involved in search and rescue operations are authorized to operate on maritime mobile frequencies as associated ship units. Such operations must be in accordance with paragraph (a) of this section except that the associated ship unit: may be operated from shore; may use Distress, Safety and Calling, Intership Safety, Liaison, U.S. Coast Guard, or Maritime Control VHF intership frequencies; and may have a transmitter power of 25 watts.

§ 80.116 Radiotelephone operating procedures for ship stations.

(a) *Calling coast stations.* (1) Use by ship stations of the freqency 2182 kHz for calling coast stations and for replying to calls from coast stations is authorized. However, such calls and replies should be on the appropriate ship-shore working frequency.

(2) Use by ship stations and marine utility stations of the frequency 156.800 MHz for calling coast stations and marine utility stations on shore, and for replying to calls from such stations, is authorized. However, such calls and replies should be made on the appropriate ship-shore working frequency.

(b) *Calling ship stations.* (1) Except when other operating procedure is used to expedite safety communication, ship stations, before transmitting on the intership working frequencies 2003, 2142, 2638, 2738, or 2830 kHz, must first establish communications with other ship stations by call and reply on 2182 kHz. Calls may be initiated on an intership working frequency when it is known that the called vessel maintains a simultaneous watch on the working frequency and on 2182 kHz.

(2) Except when other operating procedures are used to expedite safety communications, the frequency 156.800 MHz must be used for call and reply by ship stations and marine utility stations before establishing communication on one of the intership working frequencies. Calls may be initiated on an intership working frequency when it is known that the called vessel maintains a simultaneous watch on the working frequency and on 156.800 MHz.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on 2182 kHz or 156.800 MHz stations on board ship must change to an authorized working frequency for the transmission of messages.

(d) *Limitations on calling.* Calling a particular station must not continue for more than 30 seconds in each instance. If the called station does not reply, the station must not again be called until after an interval of 2 minutes. When a called station called does not reply to a call sent three times at intervals of 2 minutes, the calling must cease and must not be renewed until after an interval of 15 minutes; however, if there is no reason to believe that harmful interference will be caused to other communications in progress, the call sent three times at intervals of 2 minutes may be repeated after a pause of not less than 3 minutes. In event of an emergency involving safety, the provisions of this paragraph do not apply.

(e) *Limitations on working.* Any one exchange of communications between any two ship stations on 2003, 2142, 2638, 2738, or 2830 kHz or between a ship station and a private coast station

on 2738 or 2830 kHz must not exceed 3 minutes after the stations have established contact. Subsequent to such exchange of communications, the same two stations must not again use 2003, 2142, 2638, 2738, or 2830 kHz for communication with each other until 10 minutes have elapsed.

(f) *Transmission limitation on 2182 kHz and 156.800 MHz.* To facilitate the reception of distress calls, all transmissions on 2182 kHz and 156.800 MHz (channel 16) must be minimized and transmissions on 156.800 MHz must not exceed 1 minute.

(g) *Limitations on commercial communication.* On frequencies in the band 156–162 MHz, the exchange of commercial communication must be limited to the minimum practicable transmission time. In the conduct of ship-shore communication other than distress, stations on board ship must comply with instructions given by the private coast station or marine utility station on shore with which they are communicating.

(h) *2182 kHz silence periods.* To facilitate the reception of distress calls, transmission by ship or survival craft stations is prohibited on any frequency (including 2182 kHz) within the band 2173.5–2190.5 kHz during each 2182 kHz silence period.

Special Procedures—Public Coast Stations

§ 80.121 Public coast stations using telegraphy.

(a) *Narrow-band direct-printing (NB–DP) operating procedures.* (1) When both terminals of the NB–DP circuit are satisfied that the circuit is in operable condition, the message preamble must be transmitted in the following format:

(i) One carriage return and one line feed,

(ii) Serial number or number of the message,

(iii) The name of the office of origin,

(iv) The number of words,

(v) The date of handing in of the message,

(vi) The time of handing in of the message, and

(vii) Any service instructions. (See The ITU "Manual for Use by the Maritime Mobile and Maritime Mobile-Satellite Services".)

(2) Upon completion of transmission of the preamble, the address, text and signature must be transmitted as received from the sender.

(3) Upon completion of transmission of the signature the coast station must, following the signal "COL", routinely repeat all service indications in the address and for figures or mixed groups of letters, figures or signs in the address, text or signature.

(4) In telegrams of more than 50 words, routine repetition must be given at the end of each page.

(5) Paragraphs (a) (1) through (4) of this section need not be followed when a direct connection is employed.

(6) In calling ship stations by narrow-band direct-printing, the coast station must use the ship station selective calling number (5 digits) and its assigned coast station identification number (4 digits). Calls to ship stations must employ the following format: Ship station selective call number, repeated twice; "DE", sent once; and coast station identification number, repeated twice. When the ship station does not reply to a call sent three times at intervals of two minutes, the calling must cease and must not be renewed until after an interval of fifteen minutes.

(7) A public coast station authorized to use NB–DP frequencies between 4000 kHz and 27500 kHz may use class A1A emission on the "mark" frequency for station identification and for establishing communications with ship stations. The radio station license must reflect authority for this type of operation, and harmful interference must not be caused.

(b) *Watch on ship calling frequencies.* (1) Public coast stations using telegraphy must maintain a continuous watch during their working hours for calls from ship stations on frequencies in the same band(s) in which the coast station is licensed to operate. See Subpart H of this part.

(2) Such station must employ receivers which are capable of being accurately set to any designated calling frequency in each band for which the receiver is intended to operate. The time required to set the receiver to a frequency must not exceed five seconds. The receiver must have a long term frequency stability of not more than 50 Hz and a minimum sensitivity of two microvolts across receiver input terminals of 50 ohms, or equivalent. The audio harmonic distortion must not exceed five percent at any rated output power.

(c) *Radiotelegraph frequencies.* Radiotelegraph frequencies available for assignment to public coast stations are contained in Subpart H of this part.

§ 80.122 Public coast stations using facsimile.

Facsimile operations are a form of telegraphy for the transmission and receipt of fixed images between authorized coast and ship stations in accordance with the following paragraphs.

(a) *Supplemental eligibility requirements.* Public coast stations are eligible to use facsimile techniques with ship stations.

(b) *Assignment and use of frequencies.* (1) For the purpose of providing facsimile communications with ship stations, public coast stations will request frequencies from the bands 2000–27500 kHz listed in Part 2 of this chapter which are available for shared use by the maritime mobile service and other radio services.

(2) Equipment used for facsimile operations is subject to the applicable provisions of Subpart E of this part.

(3) The use of voice on frequencies authorized for facsimile operations is limited to set-up and confirmation of receipt of facsimile transmissions.

Special Procedures—Private Coast Stations

§ 80.131 Radioprinter operations.

Radioprinter operations provide a relatively low cost system of record communications between authorized coast and ship stations in accordance with the following paragraphs.

(a) *Supplementary eligibility requirement.* A radioprinter authorization for a private coast station may be issued to the owner or operator of a ship of less than 1600 gross tons, a community of ships all of which are less than 1600 gross tons, or an association whose members operate ships of less than 1600 gross tons.

(b) *Scope of communications.* Only those communications which concern the business and operational needs of vessels are authorized.

(c) *Assignment and use of frequencies.* (1) Frequencies may be assigned to private coast stations for radioprinter use from the appropriate bands listed in Subpart H of this part.

(2) Frequencies in the listed bands are shared with other radio services including the maritime mobile service. Each assigned frequency is available on a shared use basis only, not for the exclusive use of any one station or licensee.

(d) *Coast station responsibilities.* (1) Private coast stations must propose frequencies and provide the names of ships to be served with the application.

(2) Private coast station licensees must provide copies of their license to all ships with which they are authorized to conduct radioprinter operations.

Special Procedures—Ship Stations

§ 80.141 General provisions for ship stations.

(a) *Points of communication.* Ship stations and marine utility stations on board ships are authorized to communicate with any station in the maritime mobile service.

(b) *Service requirements for all ship stations.* (1) Each ship station must receive and acknowledge all communications which are addressed to the ship or to any person on board.

(2) Every ship, on meeting with any direct danger to the navigation of other ships such as ice, a derelict vessel, a tropical storm, subfreezing air temperatures associated with gale force winds causing severe icing on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, must transmit related information to ships in the vicinity and to the authorities on land unless such action has already been taken by another station. All such radio messages must be preceded by the safety signal.

(3) A ship station may accept communications for retransmission to any other station in the maritime mobile service. Whenever such messages or communications have been received and acknowledged by a ship station for this purpose, that station must retransmit the message as soon as possible.

(c) *Service requirements for vessels.* Each ship station provided for compliance with Part II of Title III of the Communications Act must provide a public correspondence service on voyages of more than 24 hours for any person who requests the service.

(1) Compulsory radiotelegraph ships must provide this service during the hours the radio operator is normally on duty.

(2) Compulsory radiotelephone ships must provide this service for at least four hours daily. The hours must be prominently posted at the principal operating location of the station.

§ 80.142 Ships using radiotelegraphy.

(a) *Calling by narrow-band direct-printing.* (1) NB–DP ship stations must call United States public coast stations on frequencies designated for NB–DP operation.

(2) Where it is known that the coast station maintains a watch on working frequencies for ship station NB–DP calls the ship station must make its initial NB–DP call on those frequencies.

(3) Calls to a coast station or other ship station must employ the following format: Coast station identification number, repeated twice; "DE", sent once; and ship station selective call number, repeated twice. When the coast station does not reply to a call sent three times at intervals of two minutes, the calling must cease for fifteen minutes.

(b) *NB–DP operating procedure.* These procedures apply to NB–DP communication with a coast station or with other ship stations.

(1) Calls to coast stations will normally be made by radioteleprinter on the NB–DP frequencies on which the coast station maintains a watch.

(i) The transmit frequencies and frequencies on which coast stations maintain a watch are indicated in the ITU List of Coast Stations.

(ii) When using paired frequencies as set forth in § 80.361(a), the ship station must transmit on the ship frequency and receive on the coast transmit frequency designated within the same series. Cross series operation between ship and coast stations is prohibited.

(iii) When using non-paired frequencies as set forth in § 80.361(b), the coast station must transmit on one of the coast station radiotelegraphy working frequencies listed in § 80.357. Special arrangements may be made between ship stations or shipping companies and coast stations for the use of specific frequencies.

(2) When efforts to establish an NB–DP circuit on NB–DP frequencies have proven unsuccessful, ship stations may call coast stations on manual Morse radiotelegraphy calling frequencies, shift to manual Morse radiotelegraphy working frequencies, and complete arrangements for setting up a NB–DP circuit. The routine use of manual Morse radiotelegraphy frequencies for the setting up of a NB–DP circuit with United States coast stations is not authorized.

(3) In calling the coast station by NB–DP, the ship station must use the 4-digit coast station identification number and self-identify using the 5 digit ship station selective call number.

(4) When both terminals of the NB–DP circuit are satisfied that the circuit is operable, the ship station must indicate whether the exchange is to be in:

(i) Conversational mode, where the stations concerned are connected directly, or

(ii) Store-and-forward mode, where traffic is stored at the coast station until the circuit to the called station can be set up.

(iii) In the conversational mode the preamble must include the characters DIRTLXyz+ transmitted in sequence and preceded by at least one carriage return and a line feed, where "y" is the telex destination code in accordance with CCITT Recommendation F.69, "z" is the land subscriber's telex number and "+" indicates end of sequence.

(iv) In store-and-forward mode the preamble must include the characters TLXyz+ transmitted in sequence and preceded by at least one carriage return and a line feed, where "y" is the telex destination code in accordance with CCITT Recommendation F.69, "z" is the land subscriber's telex number and "+" indicates end of sequence.

(5) Following completion of the procedure of paragraphs (b)(4)(iii) or (b)(4)(iv) of this section, the message preamble must be transmitted as follows: Serial number or number of the message; the name of the office of origin; the number of words; the date of handing in of the message; the time of handing in of the message; and any service instructions. (See CCITT Recommendation F.1 contained in the "Manual for Use by The Maritime Mobile and Maritime Mobile-Satellite Services".)

(6) Upon completion of transmission of the preamble, the address, text and signature must be transmitted as received from the sender.

(7) Upon completion of transmission of the signature, the transmitting station must, following the signal "COL", routinely repeat all service indications in the address and for figures or mixed groups of letters, figures, or signs in the address, text or signature.

(8) In telegrams of more than 50 words, routine repetition must be given at the end of each page.

(9) The provisions of paragraphs (b)(5) through (b)(8) of this section need not be followed when a direct connection is employed.

(c) *Required channels for radiotelegraphy.* (1) Each ship station using telegraphy on frequencies within the band 405–525 kHz must be capable of:

(i) Transmit and receive on 500 kHz using the authorized emissions, and

(ii) Transmit on at least two working frequencies and receive on all other frequencies necessary for their service using authorized emissions, and

(iii) When a radiotelegraph installation is compulsory, a fourth frequency within this band which is authorized specifically for direction finding must also be provided.

(2) Each ship station using telegraphy on frequencies within the band 90–160 kHz must be capable of transmitting and receiving class A1A emission on the frequency 143 kHz, and on at least two additional working frequencies within this band except that portion between 140 kHz and 146 kHz.

(3) Each ship station using telegraphy and operating in the bands between 4000–27500 kHz must be capable of transmitting and receiving class A1A or J2A emission on at least one frequency authorized for calling and at least two frequencies authorized for working in each of the bands for which facilities are provided to carry on its service.

(4) Each ship station using telegraphy in Region 2 on frequencies within the band 2065–2107 kHz must be capable of transmitting and receiving class A1A or J2A emission on at least one frequency in this band authorized for working in addition to a frequency in this hand authorized for calling.

§ 80.143 Required frequencies for radiotelephony.

(a) Except for compulsory vessels, each ship radiotelephone station licensed to operate in the band 1605–3500 kHz must be able to receive and transmit J3E emission on the frequency 2182 kHz. Ship stations are additionally authorized to receive and transmit H3E emission for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it must be capable also of receiving and transmitting the J3E emission on at least two other frequencies in that band. However, ship stations which operate exclusively on the Mississippi River and its connecting waterways, and on high frequency bands above 3500 kHz, need be equipped with 2182 kHz and one other frequency within the band 1605–3500 kHz. Additionally, use of A3E emission is permitted for distress and safety purposes on 2182 kHz for portable survival craft equipment also having the capability to operate on 500 kHz and for transmitters authorized for use prior to January 1, 1972.

(b) Except as provided in paragraph (c) of this section, at least one VHF radiotelephone transmitter/receiver must be able to transmit and receive on the following frequencies:

(1) The distress, safety and calling frequency 156.800 MHz;

(2) The primary intership safety frequency 156.300 MHz;

(3) One or more working frequencies; and

(c) Where a ship ordinarily has no requirement for VHF communications, handheld VHF equipment may be used solely to comply with the bridge-to-bridge navigational communication requirements contained in Subpart U of this part.

§ 80.145 Class C EPIRB operational procedures.

Class C EPIRBs must be used for distress purposes only after use of the VHF/FM radiotelephone installation, in accordance with § 80.320, has proved unsuccessful or when a VHF/FM radiotelephone installation is not fitted, or when specifically requested to do so by a station engaged in search and rescue operations.

Shipboard General Purpose Watches

§ 80.146 Watch on 500 kHz.

During their hours of service, ship stations using frequencies in the authorized bands between 405–525 kHz must, remain on watch on 500 kHz except when the operator is transmitting on 500 kHz or operating on another frequency. The provisions of this section do not relieve the ship from complying with the requirements for a safety watch as prescribed in § 80.304 and § 80.305.

§ 80.147 Watch on 2182 kHz.

Ship stations must maintain a watch on 2182 kHz as prescribed by § §80.304(b).

§ 80.148 Watch on 156.8 MHz (channel 16).

Each VHF ship station, or if more than one VHF ship station is being operated from a vessel (for example, if a pilot is operating his radio equipment on board the vessel), then at least one VHF ship station per vessel must during its hours of service maintain a watch on 156.800 MHz whenever such station is not being used for exchanging communications. The watch is not required:

(a) Where a ship station is operating only with handheld bridge-to-bridge VHF radio equipment under § 80.143(c) of this part;

(b) For vessels subject to the Bridge-to-Bridge Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the bridge-to-bridge frequency and a separately assigned VTS frequency; or

(c) For a station on board a voluntary vessel equipped with digital selective calling (DSC) equipment, maintaining a continuous DSC watch on 156.525 MHz whenever such station is not being used for exchanging communications, and while such station is within the VHF service area of a U.S. Coast Guard radio facility which is DSC equipped.

Violations

§ 80.149 Answer to notice of violation.

(a) Any person receiving official notice of violation of the terms of the Communications Act, any legislative act, executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission must within 10 days from such receipt, send a written answer, in duplicate, to the office of the Commission originating the official notice. If an answer cannot be sent or an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer must be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice must be complete in itself and must not be abbreviated by references to other communications or answers to other notices. The answer must contain a full explanation of the incident involved and must set forth the action taken to prevent a continuation or recurrence. If the notice relates to lack of attention to or improper operation of the station or to log or watch discrepancies, the answer must give the name and license number of the licensed operator on duty.

(b) When an official notice of violation, impending violation, or discrepancy, pertaining to any provision of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is served upon the master or person responsible for a vessel and any instructions appearing on such document issued by a representative of the Commission are at variance with the content of paragraph (a) of this section, the instructions issued by the Commission's representative supersede those set forth in paragraph (a) of this section.

Subpart D—Operator Requirements

§ 80.151 Classification of operator licenses and endorsements.

(a) Commercial radio operator licenses issued by the Commission are classified in accordance with the Radio Regulations of the International Telecommunication Union.

(b) The following licenses are issued by the Commission. International classification, if different from the license name, is given in parentheses. The licenses and their alphanumeric designator are listed in descending order.

(1) T–1. First Class Radiotelegraph Operator's Certificate.

(2) T–2. Second Class Radiotelegraph Operator's Certificate.

(3) G. General Radiotelephone Operator License (radiotelephone operator's general certificate).

(4) T–3. Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate).

(5) MP. Marine Radio Operator Permit (radiotelephone operator's restricted certificate).

(6) RP. Restricted Radiotelephone Operator Permit (radiotelephone operator's restricted certificate).

(c) The following license endorsements are affixed by the Commission to provide special authorizations or restrictions. Applicable licenses are given in parentheses.

(1) Ship Radar endorsement (First and Second Class Radiotelegraph Operator's Certificate, General Radiotelephone Operator License).

(2) Six Months Service endorsement (First and Second Class Radiotelegraph Operator's Certificate).

(3) Restrictive endorsements; relating to physical handicaps, English language or literacy waivers, or other matters (all licenses).

Coast Station Operator Requirements

§ 80.153 Coast station operator requirements.

(a) Operation of a coast station transmitter must be performed by a person holding a commercial radio operator license of the required class, who is on duty at the control point of the station. The operator is responsible for the proper operation of the station.

(b) The minimum class of radio operator license required for operation of each specific classification of station is set forth below:

Minimum Operator License

Public coast telegraph, all classes—T–2.
—Manual Morse under supervision of T1 or T2—T–3.
—NB–DP under supervision of T1 or T2—T–3, G or MP.
Coast telephone, all classes:
—Exceeding 250 watts carrier power or 1,500 watts peak envelope power—T–2 or G.
Except in Alaska regional and local area stations—T–3, G or MP.
—250 watts or less carrier power or 1,500 watts or less peak envelope power operating on frequencies below 30 MHz—T–3, G or MP.
Except in Alaska—None.
—250 watts or less carrier power operating on frequencies above 30 MHz—None.

(c) Special Operating Conditions:

(1) When a coast telephone station of any class is used to transmit manual telegraphy the telegraph key operator must hold a third-class or higher radiotelegraph operator's license.

(2) An operational fixed station or a maritime support station associated with a coast station may be operated by the operator of the associated coast station.

Ship Station Operator Requirements

§ 80.155 Ship station operator requirements.

Except as provided in § 80.177, operation of transmitters on any ship station must be performed by a person holding a commercial radio operator license or permit of the class required below. The operator is responsible for the proper operation of the station.

§ 80.157 Radio officer defined.

A "radio officer" means a person holding a first or second class radiotelegraph operator's certificate issued by the Commission who is employed to operate the ship radiotelegraph station in compliance with Part II of Title III of the Communications Act. Such person is also required to be licensed as a "radio officer" by the U.S. Coast Guard.

§ 80.159 Operator requirements of Title III of the Communications Act and the Safety Convention.

(a) Each telegraphy passenger ship equipped with a radiotelegraph station in accordance with Part II of Title III of the Communications Act must carry one radio officer holding a first or second class radiotelegraph operator's certificate and a second radio officer holding either a first or second class radiotelegraph operator's certificate. The holder of a second class radiotelegraph operator's certificate may not act as the chief radio officer.

(b) Each cargo ship equipped with a radiotelegraph station in accordance with Part II of Title III of the Communications Act and which has a radiotelegraph auto alarm must carry a radio officer holding a first or second class radiotelegraph operator's certificate who has had at least six months service as a radio officer on board U.S. ships. If the radiotelegraph station does not have an auto alarm, a second radio officer who holds a first or second class radiotelegraph operator's certificate must be carried.

(c) Each cargo ship equipped with a radiotelephone station in accordance with Part II of Title III of the Communications Act must carry a radio operator who meets the following requirements:

(1) Where the station power does not exceed 1500 watts peak envelope power, the operator must hold a marine radio operator permit or higher class license.

(2) Where the station power exceeds 1500 watts peak envelope power, the operator must hold a general radiotelephone operator license.

(d) Each ship transporting more than six passengers for hire equipped with a radiotelephone station in accordance with Part III of Title III of the Communications Act must carry a radio operator who meets the following requirements:

(1) Where the station power does not exceed 250 watts carrier power or 1500 watts peak envelope power, the radio operator must hold a marine radio operator permit or higher class license.

(2) Where the station power exceeds 250 watts carrier power or 1500 watts peak envelope power, the radio operator must hold a general radiotelephone operator license.

§ 80.161 Operator requirements of the Great Lakes Radio Agreement.

Each ship subject to the Great Lakes Radio Agreement must have on board an officer or member of the crew who holds a marine radio operator permit or higher class license.

§ 80.163 Operator requirements of the Bridge-to-Bridge Act.

Each ship subject to the Bridge-to-Bridge Act must have on board a radio operator who holds a restricted radiotelephone operator permit or higher class license.

§ 80.165 Operator requirements for voluntary stations.

	Minimum operator license
Ship Morse telegraph	T–2.
Ship direct-printing telegraph	MP.
Ship telephone, more than 250 watts carrier power or 1,000 watts peak envelope power.	G.
Ship telephone, not more than 250 watts carrier power or 1,000 watts peak envelope power.	MP.
Ship telephone, not more than 100 watts carrier power or 400 watts peak envelope power:	
Above 30 MHz	None.[1]
Below 30 MHz	RP.
Ship earth station	RP.

[1] RP required for international voyage.

General Operator Requirements

§ 80.167 Limitations on operators.

The operator of maritime radio equipment other than T–1, T–2, or G licensees, must not:

(a) Make equipment adjustments which may affect transmitter operation;

(b) Operate any transmitter which requires more than the use of simple external switches or manual frequency

selection or transmitters whose frequency stability is not maintained by the transmitter itself.

§ 80.169 Operators required to adjust transmitters or radar.

(a) All adjustments of radio transmitters in any radiotelephone station during or coincident with the installation, servicing, or maintenance of such equipment which may affect the proper operation of the station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class radiotelegraph or a general radiotelephone operator permit.

(b) Only persons holding a first or second class radiotelegraph operator certificate must perform such functions at radiotelegraph stations transmitting Morse code.

(c) Only persons holding an operator certificate containing a ship radar endorsement must perform such functions on radar equipment.

§ 80.175 Availability of operator licenses.

All operator licenses required by this subpart must be readily available for inspection.

§ 80.177 When operator license is not required.

(a) No radio operator authorization is required to operate:

(1) A shore radar, a shore radiolocation, maritime support or shore radionavigation station;

(2) A survival craft station or an emergency position indicating radio beacon;

(3) A ship radar station if:

(i) The radar frequency is determined by a nontunable, pulse type magnetron or other fixed tuned device, and

(ii) The radar is capable of being operated exclusively by external controls;

(4) An on board station; or

(5) A ship station operating in the VHF band on board a ship voluntarily equipped with radio and sailing on a domestic voyage.

(b) No radio operator license is required to install a VHF transmitter in a ship station if the installation is made by, or under the supervision of, the licensee of the ship station and if modifications to the transmitter other than front panel controls are not made.

(c) No operator license is required to operate coast stations of 250 watts or less carrier power or 1500 watts or less peak envelope power operating on frequencies above 30 MHz, or marine utility stations.

Subpart E—General Technical Standards

§ 80.201 Scope.

This subpart gives the general technical requirements for the use of frequencies and equipment in the maritime services. These requirements include standards for equipment authorization, frequency tolerance, modulation, emission, power and bandwidth.

§ 80.203 Authorization of transmitters for licensing.

(a) Each transmitter authorized in a station in the maritime services after September 30, 1986, except as indicated in paragraphs (e), (f) and (g) of this section, must be type accepted by the Commission for Part 80 operations. The procedures for type acceptance are contained in Part 2 of this chapter. Transmitters of a model type accepted or type approved before October 1, 1986 will be considered type accepted for use in ship or coast stations as appropriate.

(b) Except for radar equipment, applicants for type acceptance of radio equipment designed to satisfy Part II of Title III of the Communications Act or the Safety Convention must also submit with their application a working unit of the type for which type acceptance is desired.

(c) Double sideband (DSB) radiotelephone equipment operating in the 1605–27500 kHz band will be authorized only for use in ship stations. Such equipment must comply with Chapter IV of the Safety Convention, operate only on the frequency 2182 kHz, and be marked "Distress and Safety Use Only".

(d) Transmitters type accepted for single sideband suppressed carrier radiotelephone transmissions may be used for facsimile transmissions without filing for a type acceptance modification provided the transmitters retain type acceptance and comply with the applicable standards in this part.

(e) Manufacturers of ship earth station transmitters intended for use in the INMARSAT space segment must comply with the verification procedures given in Part 2 of this chapter. Verification of such equipment must be in accordance with the technical requirements provided in the INMARSAT document titled "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model". The ship earth station input/output parameters, the data obtained when the equipment is integrated in system configuration and the pertinent method of test procedures that are used for type approval of the station model which are essential for the compatible operation of that station in the INMARSAT space segment must be disclosed by the manufacturer upon request of the FCC or the United States Signatory. Witnessing of the type approval tests and the disclosure of the ship earth station equipment design or any other information of a proprietary nature will be at the discretion of the ship earth station manufacturer. Transmitters of a model that was type accepted by MARISAT for use in its system will be considered verified for use in the INMARSAT system. However, the continued use of such equipment will not be permitted after September 1, 1991, unless verified under the Commission's procedures.

(f) Type acceptance is not required for U.S. Government furnished transmitters to fulfill a U.S. Government contract. However, such transmitters must comply with all technical requirements in this part.

(g) Type acceptance is not required for transmitters authorized for developmental stations.

(h) Type acceptance of individual radio transmitters requested by station applicants or licensees must also follow the type acceptance procedure in paragraph (a) of this section. However, operation of such transmitters must be limited to the specific units individually identified on the station authorization. Such transmitters will not be included in the Commission's "Radio Equipment List".

(i) Ship station transmitters may be type accepted for emissions not shown in § 80.205 of this part. However, such emissions are not authorized for use in the United States or for communications with U.S. coast stations.

§ 80.205 Bandwidths.

(a) An emission designator shows the necessary bandwidth for each class of emission of a station except that in ship earth stations it shows the occupied or necessary bandwidth, whichever is greater. The following table gives the class of emission and corresponding emission designator and authorized bandwidth:

Class of emission	Emission designator	Authorized bandwidth (kHz)
A1A	160HA1A	0.4
A1B [1]	160HA1B	0.4
A2A	2K66A2A	2.8
A2B [1]	2K66A2B	2.8
A3E	6K00A3E	8.0
A3N [2]	2K66A3N	2.8
A3N [3]	3K20A3N	25.0
F1B [4]	280HF1B	0.3
F1B [5]	300HF1B	0.5
F1B [6]	16KOF1B	20.0
F1C	2K80F1C	3.0
F2B [6]	16KOF2B	20.0
F2C [7]	16KOF2C	20.0

Class of emission	Emission designator	Authorized bandwidth (kHz)
F3C	2K80F3C	3.0
F3C [7]	16KOF3C	20.0
F3E [8]	16KOF3E	20.0
F3N [9]	20MOF3N	20,000.0
G3D [10]	16KOG3D	20.0
G3E [8]	16KOG3E	20.0
G3N [9]	16KOG3N	20.0
H2A	1K40H2A	2.8
H2B [1]	1K40H2B	2.8
H3E [11]	2K80H3E	3.0
H3N	2K66H3N	2.8
J2A	160HJ2A	0.4
J2B [4]	280HJ2B	0.3
J2B	300HJ2B	0.5
J2B	2K80J2B	3.0
J2C	2K80J2C	3.0
J3C	2K80J3C	3.0
J3E [11]	2K80J3E	3.0
J3N	160HJ3N	0.4
NON	NON	0.4
PON	([12])	([12])
R3E [11]	2K80R3E	3.0

[1] On 500 kHz and 2182 kHz A1B, A2B, H2B and J2B emissions indicate transmission of the auto alarm signals.
[2] Applicable only to transmissions in the 405–525 kHz band for direction finding.
[3] Applicable only to EPIRB's.
[4] Radioprinter transmissions for communications with private coast stations.
[5] NB–DP radiotelegraph and data transmissions for communications with public coast stations.
[6] Applicable only to radioprinter in the 156–162 MHz and 216–220 MHz bands.
[7] Applicable only to facsimile in the 156–162 MHz and 216–220 MHz bands.
[8] Applicable only when maximum frequency deviation is 5 kHz. See also paragraph (b) of this section.
[9] Applicable only to marine hand-held radar.
[10] Applicable only to on-board frequencies for maneuvering or navigation.
[11] Transmitters type accepted prior to December 31, 1969, for emission H3E, J3E and R3E and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.
[12] Variable.

(b) For land stations the maximum authorized frequency deviation for F3E or G3E emission is as follows:

(1) 5 kHz in the 72.0–73.0 MHz, 75.4–76.0 MHz and 156–162 MHz bands;

(2) 15 kHz for stations which were authorized for operation before December 1, 1961, in the 73.0–74.6 MHz band.

§ 80.207 Classes of emission.

(a) Authorization to use a radiotelephone emission by ship and coast stations includes the brief use of radiotelegraphy, including keying only the modulating audio frequency, tone signals, digital selective calling and other signalling devices to establish or maintain communications, provided:

(1) That these signalling techniques, other than digital selective calling, are not used on frequencies made available exclusively for distress and safety and general purpose DSC calling;

(2) The authorized radiotelephone emission bandwidth is not exceeded; and

(3) Harmful interference is not caused to stations operating in accordance with the Radio Regulations.

(b) In radiotelegraphy communications employing a modulated carrier the carrier must be keyed and modulated by an audio frequency.

(c) Authorization to use single sideband emission is limited to emitting a carrier:

(1) For full carrier transmitters at a power level between 3 and 6 dB below peak envelope power;

(2) For suppressed carrier transmitters at a power level at least 40 dB below peak envelope power; and

(3) For reduced or variable level carrier:

(i) In the 1600–4000 kHz band:

(A) For coast station transmitters 18±2 dB below peak envelope power;

(B) For ship station transmitters installed before January 2, 1982, 16±2 dB below peak envelope power; and

(C) For ship station transmitters installed after January 1, 1982, 18±2 dB below peak envelope power.

(ii) In the 4000–27500 kHz band:

(A) For coast station transmitters 18±2 dB below peak envelope power;

(B) For ship station transmitters installed before January 2, 1978, 16±2 dB below peak envelope power; and

(C) For ship station transmitters installed after January 1, 1978, 18±2 dB below peak envelope power.

(d) The authorized classes of emission are as follows:

Types of stations	Classes of emission
Ship Stations [1]	
Radiotelegraphy:	
100–160 kHz	A1A
405–525 kHz	A1A, J2A
1605–27500 kHz:	
Manual	A1A, J2A
DSC	F1B, J2B
NB–DP	F1B, J2B
Facsimile	F1C, F3C, J2C, J3C
156–162 MHz [2]	F1B, F2B, F2C, F3C
216–220 MHz [3]	F1B, F2B, F2C, F3C
1626.5–1646.5 MHz	([4])
Radiotelephony:	
1605–27500 kHz [5]	H3E, J3E, R3E
27.5–470 MHz [6]	G3D, G3E
1626.5–1646.5 MHz	([4])
Radiodetermination:	
285–325 kHz [7]	A1A, A2A
405–525 kHz (Direction Finding) [8]	A3N, H3N, J3N, NON
2.4–9.5 GHz	PON
14.00–14.05 GHz	F3N
Land Stations [1]	
Radiotelegraphy:	
100–160 kHz	A1A
405–525 kHz	A1A, J2A,
1605–2850 kHz:	
Manual	A1A, J2A
Facsimile	F1C, F3C, J2C, J3C
Alaska-Fixed	A1A, J2A
4000–27500 kHz:	
Manual	A1A, J2A
DSC	F1B, J2B
NB–DP	F1B, J2B
Facsimile	F1C, F3C, J2C, J3C
Alaska-Fixed	A1A, F1B, J2A
72–76 MHz	A1A, A2A, F1B, F2B
156–162 MHz [2]	F1B, F2B, F2C, F3C
216–220 MHz [3]	F1B, F2B, F2C, F3C
Radiotelephony:	
1605–27500 kHz	H3E, J3E, R3E
72–76 MHz	A3E, F3E, G3E
156–470 MHz	G3E
Radiodetermination:	
2.4–9.6 GHz	PON
Distress, Urgency and Safety: [8] [9]:	
500 kHz [10]	A2A, and A2B or H2A and H2B
2182 kHz [10] [11]	A2B, A3B, H2B, H3E, J2B and J3E
8364 kHz	A2A, H2A
121.500 MHz	A3E, A3N
123.100 MHz	A3E
156.750 and 156.800 MHz	G3E, G3N
243.00 MHz	A3N

[1] Excludes distress, EPIRB's, and survival craft.
[2] Frequencies used in the automated multi-station system. See § 80.385(b).
[3] Frequencies used in the Automated Maritime Telecommunications System (AMTS). See § 80.385(b).
[4] Types of emission are determined by the INMARSAT Organization.
[5] Transmitters type accepted prior to December 31, 1969, for emission H3E, J3E, and R3D and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.
[6] G3D emission must be used only by one-board stations for maneuvering or navigation.
[7] Frequencies used for cable repair operations. See § 80.375(b).
[8] For direction finding requirements see § 80.375.
[9] Includes distress emissions used by ship, coast, EPIRB's and survival craft stations.
[10] On 500 kHz and 2182 kHz A1B, A2B, H2B and J2B emissions indicate transmission of the auto alarm signals.
[11] Ships on domestic voyages must use J3E emission only.

§ 80.209 Transmitter frequency tolerances.

(a) The frequency tolerances applicable to transmitters in the maritime services are shown in the following table. Tolerances are given as parts in 10^6 unless shown in Hz.

Frequency bands and categories of stations	Tolerances applicable until Jan. 1, 1990, for transmitters installed before Jan. 2, 1987	Tolerances applicable [1] to new transmitters installed after Jan. 1, 1987, and to all transmitters after Jan. 1, 1990
(1) Band 100–525 kHz:		
(i) Coast stations:		
For single sideband emissions.	20 Hz	20 Hz
For narrow-band direct-printing and data emissions.	15 Hz	15 Hz
For all other emissions.	200	100
(ii) Ship stations:		
For transmitters with single sideband emission type accepted or type approved before November 30, 1977.	50 Hz	
For transmitters with other emissions type accepted or type approved before November 30, 1977.	1000	
For transmitters with digital selective calling emissions.	20Hz[2]	10Hz[2]
For all transmitters type accepted or type approved after November 29, 1977.	20 Hz	20 Hz

Frequency bands and categories of stations	Tolerances applicable until Jan. 1, 1990, for transmitters installed before Jan. 2, 1987	Tolerances applicable [1] to new transmitters installed after Jan. 1, 1987, and to all transmitters after Jan. 1, 1990
(iii) Ship stations for emergency only:		
For transmitters type approved before November 30, 1977.	3000	
For transmitters type approved after November 29, 1977.	20 Hz	20 Hz
(iv) Survival craft stations:		
For transmitters type approved before November 30, 1977.	5000	
For transmitters type approved after November 29, 1977.	20 Hz	20 Hz
(v) Radiodetermin-a-tion stations:		
For all emissions	100	100
(2) Band 1600–4000 kHz:		
(i) Coast stations and Alaska fixed stations:		
For single sideband and facsimile emissions.	20 Hz	20 Hz
For narrow-band direct-printing and data emissions.	15 Hz	15 Hz
For digital selective calling emissions.	15 Hz [2]	10 Hz [2]
For all other emissions.	50	50
(ii) Ship stations:		
For transmitters with single sideband and facsimile emissions type accepted or type approved before November 30, 1977.	50 Hz	
For transmitters with other emissions type accepted or type approved before November 30, 1977.	200	
For transmitters with digital selective calling emissions.	20 Hz [3]	10 Hz [3]
For all other transmitters type accepted or type approved after November 29, 1977.	20 Hz	20 Hz
(iii) Survival craft stations:		
For transmitters type approved before November 30, 1977.	200	
For transmitters type approved after November 29, 1977.	20 Hz	20 Hz
(iv) Radiodetermin-a-tion stations:		
With power 200W or less.	100	20
With power above 200W.	50	10
(3) Band 4000–27500 kHz:		
(i) Coast stations and Alaska fixed stations:		
For single sideband and facsimile emissions.	20 Hz	20 Hz
For narrow-band direct-printing and data emissions.	15 Hz	15 Hz
For digital selective calling emissions.	15 Hz [3]	10 Hz [3]
For Morse telegraphy emissions.	15	10
For all other emissions.	15	15
(ii) Ship stations:		
For transmitters with Morse telegraphy emissions type accepted or type approved before November 30, 1977.	200 Hz	
For transmitters with other emissions type accepted or type approved before November 30, 1977.	50 Hz	
For transmitters with digital selective calling emissions.	20 Hz [3]	10 Hz [3]
For all other transmitters type accepted or type approved after November 29, 1977.	20 Hz	20 Hz
(iii) Survival craft stations:		
For transmitters type approved before November 30, 1977.	200	
For transmitters type approved before November 29, 1977.	50 Hz	50 Hz
(4) Band 72–76 MHz:		
Fixed stations:		
Operating in the 72.0–73.0 and 75.4–76.0 MHz bands.	5	5
Operating in the 73.0–74.6 MHz band.	50	50
(5) Band 156–162 MHz:		
(i) Coast stations:		
For stations licensed to operate with a carrier power:		
Below 3 watts	10	10
3 to 100 watts	5	5
Above 100 watts.	2.5	2.5
(ii) Ship stations	10	10
(iii) Survival craft stations operating on 121.500 MHz.	50	50
(iv) EPIRB's:		
Operating on 121.500 and 243.000 MHz.	50	50
Operating on 156.750 and 156.800 MHz.	20	10
(6) Band 216–220 MHz:		
(i) Coast Stations: For all emissions.	5	5
(ii) Ship stations: For all emissions.	5	5
(7) Band 457–466 MHz:		
On-board stations	5	5
(8) Band 1626.5–1646.5 MHz:		
Ship earth stations	5	5

[1] Transmitters authorized prior to January 2, 1990, with frequency tolerances equal to or better than those required after this date will continue to be authorized in the maritime services provided they retain type acceptance and comply with the applicable standards in this part.

[2] Until January 1, 1990, the frequency tolerance for DSC coast station transmitters in the MF and HF bands is 15 Hz. Thereafter, the frequency tolerance for DSC coast station transmitters in the MF and HF bands is 10 Hz.

[3] Until January 1, 1995, the frequency tolerance for DSC ship station transmitters in the MF and HF bands is 20 Hz. Thereafter, the frequency tolerance for DSC ship station transmitters in the MF and HF bands is 10 Hz.

(b) When pulse modulation is used in land and ship radar stations operating in the bands above 2.4 GHz the frequency at which maximum emission occurs must be within the authorized bandwidth and must not be closer than 1.5/T MHz to the upper and lower limits of the authorized bandwidth where "T" is the pulse duration in microseconds. In the band 14.00–14.05 GHz the center frequency must not vary more than 10 MHz from 14.025 GHz.

§ 80.211 Emission limitations.

The emissions must be attenuated according to the following schedule.

(a) The mean power when using emissions H3E, J3E and R3E:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth: At least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth: At least 35 dB; and

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus $10\log_{10}$ (mean power in watts) dB.

(b) For transmitters operating in the band 1626.5–1646.5 MHz. The mean power in any 4 kHz band:

(1) Where the center frequency is removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 dB;

(2) Where the center frequency is removed from the assigned frequency by more than 100 percent up to 250 percent of the authorized bandwidth: At least 35 dB; and

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus $10\log_{10}$ (mean power in watts) dB.

(c) In any 4 kHz band the peak power of spurious emissions and noise at the input to the transmit antenna must be attenuated below the peak output power of the station as follows:

(1) 125 dB at 1525.0 MHz, increasing linearly to 90 dB at 1612.5 MHz;

(2) 90 dB at 1612.5 MHz increasing linearly to 60 dB at 1624.0 MHz;

(3) 90 dB from 1624.0 MHz to 1650.0 MHz, except at frequencies near the transmitted carrier where the requirements of paragraphs (b)(1) through (b)(3) apply;

(4) 60 dB at 1650.0 MHz decreasing linearly to 90 dB at 1662.5 MHz;

(5) 90 dB at 1662.5 MHz decreasing linearly to 125 dB at 1752.5 MHz; and

(6) 125 dB outside above range, except for harmonics which must comply with (b)(3) of this section.

(d) Radiotelegraph survival craft transmitters must comply with § 80.223.

(e) Developmental stations must conform to the standards for regular authorized stations.

(f) The mean power when using emissions other than those in paragraphs (a), (b), (c) and (d) of this section:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: at least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: at least 35 dB; and

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: at least 43 plus $10\log_{10}$ (mean power in watts) dB.

§ 80.213 Modulation requirements.

(a) Transmitters must meet the following modulation requirements:

(1) When double sideband emission is used the peak modulation must be maintained between 75 and 100 percent;

(2) When phase or frequency modulation is used in the 156–162 MHz and 216–220 MHz bands the peak modulation must be maintained between 75 and 100 percent. A frequency deviation of ± kHz is defined as 100 percent of peak modulation; and

(3) In single sideband operation the upper sideband must be transmitted. Single sideband transmitters must automatically limit the peak envelope power to their authorized operating power and meet the requirements in § 80.207(c).

(b) Radiotelephone transmitters using A3E, F3E and G3E emission must have a modulation limiter to prevent any modulation over 100 percent. This requirement does not apply to survival craft transmitters, to transmitters that do not require a license or to transmitters whose output power does not exceed 3 watts.

(c) Ship station transmitters using G3D or G3E emission in the 156–162 MHz and 216–220 MHz bands must be capable of proper technical operation with a frequency deviation of ±5 kHz.

(d) Coast station transmitters operated in the 72.0–73.0 MHz and 75.4–76.0 MHz bands must be equipped with an audio low-pass filter. The filter must be installed between the modulation limiter and the modulated radio frequency stage. At frequencies between 3 kHz and 15 kHz it must have an attenuation greater than at 1 kHz by at least $40\log_{10}$ (f/3) dB where "f" is the frequency in kilohertz. At frequencies above 15 kHz the attenuation must be at least 28 dB greater than at 1 kHz.

(e) Coast station transmitters operated in the 156–162 MHz band must be equipped with an audio low-pass filter. The filter must be installed between the modulation limiter and the modulated radio frequency stage. At frequencies between 3 kHz and 20 kHz it must have an attenuation greater than at 1 kHz by at least $60\log_{10}$ (f/3) dB where "f" is the audio frequency in kilohertz. At frequencies above 20 kHz the attenuation must be at least 50 dB greater than at 1 kHz.

(f) Radar stations operating in the bands above 2.4 GHz may use any type of modulation consistent with the bandwidth requirements in § 80.209(b).

(g) The modulation requirements for EPIRB's are contained in Subpart V.

§ 80.215 Transmitter power.

(a) Transmitter power shown on the radio station authorization is the maximum power the licensee is authorized to use. Power is expressed in the following terms:

(1) For single sideband emission: Peak evelope power;

(2) For G3E emission: Carrier power;

(3) For PON and F3N emission: Mean power;

(4) For all emissions in the 1626.5–1646.5 MHz band: equivalent isotropic radiated power.

(5) For all other emissions: the carrier power multiplied by 1.67.

(b) *Coast station frequencies below 27500 kHz.* The maximum power must not exceed the values listed below.

(1) Public coast stations, except Alaska:

(i) Radiotelegraphy:

100–160 kHz—80kW
405–525 kHz—40kW
2035–2065 kHz—6.6kW
4000–7000 kHz—10kW
8000–9000 kHz—20kW
12000–27500 kHz—30kW

(ii) Radiotelephony:

2000–4000 kHz—day—800W
2000–4000 kHz—night—400W
4000–27500 kHz—10kW

(2) Private coast stations, except in Alaska: 1kW

(3) Coast stations in Alaska, public and private:

405–525 kHz—265W
1605–12000 kHz—150W

(c) *Coast station frequencies above 27500 kHz.* The maximum power must not exceed the values listed below.

(1) Coast stations:

156–162 MHz—50W [1]
216–220 MHz [2]

(2) Marine utility stations: 156–162 MHz—10W

(d) *Ship station frequencies below 27500 kHz.* The maximum power must not exceed the values listed below:

(1) Radiotelegraphy: All ships—2kW [3]

(2) Radiotelephony:

(i) All ships—Great Lakes and Inland Waters—150W

(ii) All ships—Open waters: 2000–4000 kHz—150W

2182 kHz—emergency, urgency, or safety ship to shore—400W [4]

(iii) All ships—open waters 4000–27500 kHz—1.5kW [5]

(e) *Ship stations frequencies above 27500 kHz.* The maximum power must not exceed the values listed below.

(1) Ship stations 156–162 MHz—25W [6]

Marine utility and portable stations 156–162 MHz—10W [6]

(2) Ship stations 216–220 MHz—25W [7]

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[1] Maximum authorized power at the input terminals of the station antenna.

[2] See paragraph (h) of this section.

[3] For passenger ships 5000 gross tons and over—8kW. For cable-repair ships—15W; see § 80.375(b).

[4] For passenger ships 5000 gross tons and over—1kW.

[5] For passenger ships 5000 gross tons and over—3kW.

[6] Reducible to 1 watt or less, except for transmitters limited to public correspondence channels and used in an automated system.

[7] Reducible to 2.5 watts or less; see paragraph (i) of this section.

(3) On board stations 456–468 MHz—4W [8]
(4) Ship earth stations 1626.5–1646.5 MHz [9]
(5) Ship radar stations with F3N emission—200 mW
(6) EPIRB—121.500 and 243.00 MHz [10]
(7) EPIRB—156.750 and 156.800 MHz [10]

(f) *Fixed stations.* The maximum power must not exceed the values listed below.

(1) Maritime support (receiver test):
R3E and J3C emission—150W
F3E emission—50W
(2) Operational fixed: 72–76 MHz and above 162 MHz [11]
(3) Alaska—Private fixed:
10–200 kHz—650W
405–525 kHz—265W
1605–12000 kHz—150W
(4) Alaska—Public fixed:
405–525 kHz—1kW
1605–12000 kHz—1kW

(g) The carrier power of ship station radiotelephone transmitters, except portable transmitters, operating in the 156–162 MHz band must be at least 8 but not more than 25 watts. Transmitters that use 12 volt lead acid storage batteries as a primary power source must be measured with a primary voltage between 12.2 and 13.7 volts DC. Additionally, unless otherwise indicated, equipment in radiotelephone ship stations operating in the 156–162 MHz band must meet the following requirements:

(1) All transmitters must be capable of reducing the carrier power to one watt or less;

(2) All remote control units that are used with transmitters manufactured after August 31, 1979, or installed after February 29, 1980, must be capable of causing the carrier power to be reduced to one watt or less;

(3) Except as indicated in paragraph (g)(4) of this section all transmitters and associated remote control units in use after January 21, 1997, must automatically reduce the carrier power to one watt or less when the transmitter is tuned on 156.375 MHz or 156.650 MHz, and must be provided with a manual override switch when held by an operator will permit full carrier power operation on 156.375 MHz and 156.650 MHz;

(4) Portable transmitters are not required to comply with the automatic reduction of carrier power in paragraph (g)(3) of this section; and

(5) Transmitters dedicated for use on public correspondence duplex channels as additional equipment to a VHF ship station in the Great Lakes which meet all pertinent rules in this part are not required to reduce their carrier power to one watt.

(h) Coast stations in an AMTS may radiate as follows, subject to the condition that no harmful interference will be caused to television reception except that TV services authorized subsequent to the filing of the AMTS station application will not be protected.

(1) When located more than 169 kilometers (105 miles) from the antenna of a channel 13 TV station and more than 129 kilometers (80 miles) from the antenna of a channel 10 station, the ERP of coast stations having an antenna height of 61 meters (200 feet) or less above ground must not exceed 1000 watts.

(2) Coast stations located less than 169 kilometers (105 miles) from a channel 13 TV station, or less than 129 kilometers (80 miles) from a channel 10 station or when using a transmitting antenna height above ground greater than 61 meters (200 feet), must submit a plan to limit interference to TV reception. The plan must include:

(i) A description of the interference contour with indentification of the method used to determine this contour; and

(ii) A statement concerning the number of residences within the interference contour. The interference contour includes only areas inside the TV grade B contour with the latter determined assuming maximum permissible TV antenna height and power for broadcast stations and the actual facility parameters for translators and low power TV stations. See Part 73, Subpart E of this chapter for further information on TV grade B contour determination.

(3) When located as described in paragraph (h)(2) of this section the coast station will be authorized if the applicant's plan has limited the interference contour to fewer than 100 residences or if the applicant:

(i) Shows that the proposed site is the only suitable location;

(ii) Develops a plan to control any interference caused to TV reception within the grade B contour from its operations; and

(iii) Agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by its operations.

(4) The applicant must eliminate any interference caused by its operation to TV reception within the grade B contour that might develop within 90 days of the time it is notified in writing by the Commission. If this interference is not removed within the 90-day period, operation of the coast station must be discontinued. The licensee is expected to help resolve all complaints of interference, whether inside or outside the grade B contour.

(5) Frequencies below 217.000 MHz are not authorized to coast stations located within 169 kilometers (105 miles) of a channel 13 TV station. See § 80.385(a).

(6) The transmitter output power must be 50 watts or less.

(i) A ship station must have a transmitter output power not exceeding 25 watts and an ERP not exceeding 18 watts. The transmitter must include the capability to reduce the carrier power to 2.5 watts with a front panel control. The maximum transmitter output power is permitted to be increased to 50 watts under the following conditions:

(1) Increases exceeding 25 watts are made only by radio command from the controlling coast stations; and

(2) The application for an equipment authorization demonstrates that the transmitter output power is 25 watts or less when external radio commands are not present.

(j) A ship installation with a transmitter output power exceeding 25 watts under the conditions of paragraph (i) of this section is exempted from the limitation of 18 watts ERP when operating in specific geographical areas identified in a plan for the use of higher power.

(k) Within the 1626.5–1646.5 MHz band the maximum e.i.r.p by a ship earth station in any direction in the horizontal plane or in the direction of the space station must not exceed +40 dB relative to one watt in any 4 kHz band in the main beam, except upon a satisfactory showing of need for greater power, in which case a maximum of +55 dB relative to one watt may be authorized.

(l) For operational fixed stations using frequencies in the 72–76 MHz band and for other classes of stations operating above 162.025 MHz, the transmitter power must be specified in the station authorization. Frequencies in the 72–76 MHz band are listed in § 80.381. The operational requirements for 72–76 MHz are contained in Subpart L of this part.

§ 80.217 Suppression of interference aboard ships.

(a) A voluntarily equipped ship station receiver must not cause harmful interference to any receiver required by statute or treaty.

[8] Type acceptance based on a carrier power of 4 watts with transmitter connected to a dummy load of matching impedance. The effective radiated power must not exceed 2 watts.

[9] See paragraph (k) of this section.

[10] See Subpart V of this part.

[11] See paragraph (l) of this section.

(b) The electromagnetic field from receivers required by statute or treaty must not exceed the following value at a distance over sea water of one nautical mile from the receiver:

Frequency of interfering emissions	Field intensity in microvolts per meter
Below 30 MHz	0.1
30 to 100 MHz	.3
100 to 300 MHz	1.0
Over 300 MHz	3.0

or

Deliver not more than the following amounts of power, to an artificial antenna having electrical characteristics equivalent to those of the average receiving antenna(s) use on shipboard:

Frequency of interfering emissions	Power to artificial antenna in microwatts
Below 30 MHz	409
30 to 100 MHz	4,000
100 to 300 MHz	40,000
Over 300 MHz	400,000

§ 80.219 Special requirements for narrow-band direct-printing (NB-DP) equipment.

(a) Equipment operating on frequencies in the 4000–23000 kHz band designated for NB–DP and data transmission systems must:

(1) Be capable of transmission and reception of signals conforming to the International Telegraphy Alphabet Code No. 2 at a 50 baud modulation rate;

(2) Not exceed a 100 baud modulation rate over the radio path; and

(3) Use class F1B J2B emission with a total frequency shift of 170 Hertz.

(b) When frequency shift keying is applied to the input of a single-sideband transmitter, the subcarrier must appear on the higher frequency side of the residual carrier, have a frequency stability of ±5 Hz, and be shifted 85 Hz above and below the frequency of the subcarrier. CCIR Recommendation 476–3 recommends a subcarrier of 1700 Hz.

(c) In systems using the International Telegraphy Alphabet Code No. 2 the higher of the emitted frequencies must correspond to "space" (start, A or no perforation) and the lower of the emitted frequencies must correspond to "mark" (stop, Z, or perforation).

(d) Where an error control system is employed the equipment must be provided with a simple device to by-pass the error control system to permit transmission and reception over the radio path of uncorrected signals conforming with paragraph (a)(1) of this section.

(e) When an error-detecting and correcting system is used a 7-unit ARQ system or a 7-unit forward acting error-correcting and indicating time diversity system using the same code must be employed.

§ 80.221 Special requirements for automatically generating the radiotelephone alarm signal.

(a) Each device for automatically generating the radiotelephone alarm signal must be capable of being disabled to permit the immediate transmission of a distress call and message.

(b) The device must comply with the following requirements:

(1) The frequency tolerance of each must be ±1.5 percent;

(2) The duration tolerance of each tone must be ±50 milliseconds;

(3) The interval between successive tones must not exceed 50 milliseconds; and

(4) The amplitude ratio of the tones must be flat within 1.6 dB.

(c) Devices installed on or after January 1, 1983, must comply with the following requirements:

(1) The frequency tolerance of each tone must be ±1.5 percent;

(2) The duration tolerance of each tone must be ±10 milliseconds;

(3) The interval between successive tones must not exceed 4 milliseconds;

(4) The amplitude ratio of the tones must be flat within 1.6 dB;

(5) The output of the device must be sufficient to modulate the associated transmitter for H2B emission to at least 70 percent, and for J2B emission to within 3 dB of the rated peak envelope power;

(6) Light from the device must not interfere with the safe navigation of the ship;

(7) After activation the device must automatically generate the radiotelephone alarm signal for not less than 30 seconds and not more than 60 seconds unless manually interrupted;

(8) After generating the radiotelephone alarm signal or after manual interruption the device must be immediately ready to repeat the signal;

(9) The transmitter must be automatically switched from the stand-by condition to the transmit condition at the start and return to the stand-by condition at the conclusion of the radiotelephone alarm signal.

(c) Any device used by a station to automatically generate the radiotelephone alarm signal must be type accepted by the Commission.

§ 80.223 Special requirements for survival craft stations.

(a) Survival craft stations capable of transmitting on:

(1) 500 kHz must be able to operate with class A2A and A2B or H2A and H2B emissions;

(2) 2182 kHz must be able to operate with A2B and A3E or H2B and H3E and J2B and J3E emissions;

(3) 8364 kHz must be able to operate with class A2A or H2A emission; and

(4) 121.500 MHz must be able to operate with A3E or A3N emission.

(b) Survival craft stations must be able to receive the frequency and types of emission which the transmitter is capable of using. Where the transmitter frequency is 8364 kHz the receiver must be able to receive A1A, A2A and H2A emissions throughout the 8320–8745 kHz band.

(c) Survival craft transmitters operating on 500 kHz or on 8364 kHz must be able to be manually keyed. If provisions are made for automatically transmitting the radiotelegraph alarm signal or the radiotelegraph distress signal, such provisions must meet the requirements in Subpart F of this part.

(d) When an EPIRB is part of a survival craft station the EPIRB portion must be capable of transmitting only on the frequencies 121.500 MHz and 243.000 MHz with A3N emission.

§ 80.225 Special requirements for digital selective calling (DSC) equipment.

This section specifies the requirements for optional DSC equipment installed in ship and coast stations. Mandatory requirements will be established by FCC Order at a later date. DSC equipment in operation which is not in conformance with the mandatory requirements will be allowed to be used for at least three years after the mandatory requirements become effective.

(a) DSC equipment installed in coast and ship stations must be compatible with CCIR Recommendation 493 except that:

(1) Station identification must be numerical;

(2) The order of entry and readout for coordinates must be first latitude and then longitude;

(3) Calls from coast stations in the NF/HF bands must be preceded by a dot pattern;

(4) Ship stations operating in the MF/HF bands must include a dot pattern only in distress and ship-to-ship calls;

(5) A dot pattern must not be used on frequencies in the VHF band; and

(6) More restrictive technical provisions in these rules take precedence.

(b) Reference to any CCIR Recommendation in this section is the most recent CCIR approved Recommendation which does not prevent use of existing equipment.

(c) The provisions in paragraph (a) of this section are not applicable to AMTS in the 216–220 MHz band and to NB–DP equipment that comply with CCIR Recommendation 476.

(d) The format sequence of a DSC call is:

Dot pattern
Phasing sequence
Format specifier
Address
Category
Self-identification
Message 1
Separator (if required)
Message 2
Separator (if required)

End of sequence
Error check character.

(e) DSC receivers must be capable of interpreting the following minimum operational characteristics of the call sequence:

(1) *Format specifier.* The format specifier contains the following information:

(i) Distress call;

(ii) All ships call; and

(iii) Selective call.

(2) *Address.* Ship and coast stations must recognize the address information for a "distress call" or an "all ships call" which is contained in the format specifier. For all other calls they must recognize the following address information:

(i) Selective call: It contains the called station numerical identification; and

(ii) Geographical area: Except for calls in the VHF bands all ship stations must be able to identify the particular "geographical area" of the calling station.

(3) *Category.* An aural or visual indicator may be used for urgency, vital safety, important safety, business and routine calls. A separate and distinct aural indicator must be provided for distress calls. The category for a "distress call" is contained in the format specifier. The priority of calls is as follows:

Distress
Urgency
Vital safety
Important safety
Ship business priority
Routine

(4) *Message.* All VHF stations must display a two digit channel number. All other stations must display a four digit channel number; and

(5) *End of sequence.* All stations must recognize the "end of sequence" of a call.

(f) DSC transmitters must be capable of the following minimum operational characteristics of the call sequence:

(1) *Format specifier.* (1) Distress call (ship stations only);

(ii) All ships call;

(iii) Selective call; and

(iv) Selective group calling is required only by public coast stations for calling a group of ships in a particular geographical area.

(2) *Address.* The address information for a "distress call" or an "all ships call" is contained in the format specifier. Transmission of a "distress call" is required only by ship stations. For all other calls the address by stations must contain the following information:

(i) Selective call: All stations must transmit their numerical identification; and

(ii) Geographical area: Public coast stations only must transmit the identification of the called geographical area.

(3) *Category.* The category for a ship station "distress call" is contained in the format specifier. The priority of calls is as follows:

Distress
Routine

(4) *Self-identification.* Automatically transmit the calling station's identity;

(5) *Message.* VHF stations must transmit a two digit channel number. All other stations must transmit a four digit channel number; and

(6) *End of sequence.* Coast stations must automatically transmit "end of sequence".

Subpart F—Equipment Authorization for Compulsory Ships

§ 80.251 Scope.

(a) This subpart gives the general technical requirements for type acceptance of equipment used on compulsory ships. Such equipment includes radiotelegraph transmitters, radiotelegraph auto alarms, automatic-alarm-signal keying devices, survival craft radio equipment, watch receivers, and radar.

(b) The equipment described in this subpart must be type accepted.

(c) The term "transmitter" means the transmitter unit and all auxiliary equipment necessary to make this unit operate as a main or emergency transmitter in a ship station at sea. Each separate motor-generator, rectifier, or other unit required to convert the ship primary power to the phase, frequency, or voltage necessary to energize the transmitter unit is considered a component of the transmitter.

(d) "Average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 picofarads and an effective resistance of 4 ohms at a frequency of 500 kHz, or an artificial antenna having the same electrical characteristics.

§ 80.253 Technical requirements for main transmitter.

(a) The following table gives the operating carrier frequency, emission, modulation and average ship station antenna power requirements for the main transmitter.

Operating frequency (kHz)	Frequency tolerance		Class of emission	Percentage modulation for amplitude modulation	Modulation frequency for amplitude modulation	Power into average ship station antenna
	Parts [1] in 10^6	Hz [2]				
500 kHz	1,000	20	A2A and A2B or H2A and H2B.	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 Hertz, except for transmittal installed after July 1, 1951, at least 1 frequency between 450 and 1250 Hertz.	Not less than 200 watts.
Do	1,000	20	A1A or J2A			Not less than 160 watts.
410 and 2 working frequencies in the band 415 to 525.	1,000	20	A2A and A3N or H2A and H3N.	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 Hertz, except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 Hertz.	Not less than 200 watts.
Do	1,000	20	A1A and N0N or J2A and J3N.			Not less than 160 watts.

[1] For equipment type accepted or type approved before November 30, 1977.
[2] For equipment type accepted or type approval after November 29, 1977.

(b) A main transmitter must operate at its required antenna power when adjusted to any required operating frequency and energized by the main power supply of the ship station or by an equivalent power supply.

(c) A main transmitter must be equipped to measure (1) antenna current, (2) transmitter power supply voltages, and (3) anode or collector current(s).

(d) The antenna power must be determined at the operating carrier frequency by the product of the antenna resistance and the square of the average antenna current, both measured at the same point in the antenna circuit at approximately ground potential.

(e) A main transmitter producing more than 250 watts output power must have the output power reduced to not more than 150 watts when used for telegraphy. In stations where a separate telegraph transmitter operable on the same frequencies as the main transmitter with an output power of less than 250 watts, is installed, the power reduction requirement does not apply. Such separate transmitters must not obtain power from the emergency power supply.

§ 80.255 Technical requirements for reserve transmitter.

(a) The following table describes the operating carrier frequency, emission, modulation and average ship station antenna power requirements for the reserve transmitter.

Operating frequency (kHz)	Frequency tolerance		Class of emission	Percentage modulation for amplitude modulation	Modulation for frequency for amplitude modulation	Power into an average ship station antenna
	Parts [1] in 10^6	Hz [2]				
500	[3] 1,000	20	A2A and A2B or H2A and H2B.	Not less than 70; not more 100.	At least 1 frequency between 300 and 1250 Hertz except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 Hertz.	Not less than 25 watts.
410 and 1 working frequency in the band 415 to 525.	[3] 1,000	20	A2A and A3N or H2A and H3N.	do	do	do

[1] For equipment type accepted or type approved before November 30, 1977.
[2] For equipment type accepted or type approved after November 29, 1977.
[3] Except for reserve transmitters whose use is confined solely to safety communications. Such transmitters must maintain a frequency tolerance of 3000 parts in 10^6.

(b) A reserve transmitter must operate at its required antenna power when adjusted to the operating frequency and energized by the reserve power supply of the ship station or by an equivalent power supply.

(c) A reserve transmitter must be equipped to measure antenna current.

(d) The antenna power must be determined at the operating carrier frequency by the product of the antenna resistance and the square of the average antenna current both measured at the same point in the antenna circuit at approximately gound potential.

§ 80.257 Manufacturing requirements for radiotelegraph automatic alarm receiver (auto alarm).

(a) The auto alarm must consist of:

(1) A radio receiver capable of receiving emissions of classes A1A, A1B, A2A, A2B, H2A, H2B, J2A, and J2B over the frequency range 496 through 504 kHz.

(i) The receiver must reject signals +106 dB above one microvolt at ±150 kHz from the center frequency and +88 dB above one microvolt at ±40 kHz from the center frequency.

(ii) The receiver must respond to signals from 100 microvolts to 1 volt on the center frequency. There must be less than 6 dB variation in sensitivity from 496 kHz through 504 kHz.

(2) A device capable of selecting the alarm signal specified under § 80.259 (a) and (b).

(3) A minimum of 3 audible alarm units to meet the three location installation requirements of § 80.259(g).

(4) A testing device to determine locally that the auto alarm system is operative.

(b) The auto alarm may be constructed in one or more units but must be independent of the ship's regular radio receiving apparatus.

(c) A telephone jack must be provided to permit reception by a telephone receiver.

(d) Tuning and timing controls must not be accessible from the exterior of the device.

(e) Once set into operation the audible alarms must continue to function until switches off in the principal radiotelegraph operating room.

(f) A nonlocking or momentary-throw switch must be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto alarm system is being tested.

(g) A failure of the auto alarm power supply must activate the audible alarms.

(h) The auto alarm must operate within specifications throughout the temperature range 0–50 degrees Celsius at relative humidities as high as 95%.

(i) The auto alarm must be protected from excessive currents, power supply reversals and voltage variations which could cause damage to any component.

(j) The auto alarm must be capable of operating when subjected to vibrations having a frequency between 20 and 30 Hertz and an amplitude of 0.03 inch in a direction of an angle of 30 to 45 degrees with the base of the auto alarm.

§ 80.259 Technical requirements for radiotelegraph auto alarm receiver.

(a) For type acceptance the auto alarm in the absence of interference must be capable of being operated by four consecutive dashes whose length may vary from 6.0 to 3.5 seconds and the intervening spaces vary between 1.5 seconds to 10 milliseconds. These types of auto alarms must not respond to dashes longer than 6.31 seconds or shorter than 3.33 seconds nor to intervening spaces longer than 1.58 seconds or shorter than 5 milliseconds except as follows:

(1) Non-digital types employing resistance-capacitance timing, type approved before October 1, 1969, and placed in service on or before January 1, 1985, must not respond to dashes longer than 7.40 seconds or shorter than 2.80 seconds, nor to space intervals longer than 1.80 seconds or shorter than 5 milliseconds.

(2) Digital types employing a stable clock as the basic timing device, type approved before May 1, 1968, and placed in service on or before December 1, 1975, may accept dashes whose lower limits extends down to 3.0 seconds.

(b) The auto alarm must operate with a signal of 100 microvolts RMS at 500 kHz applied to an artificial antenna consisting of a 20 microhenry inductance, a 500 picofarad capacitor, and a 5 ohm resistor connected in series in the absence of any interference and without manual adjustment. It must be capable of operation under these conditions on the following classes of emission:

(1) A1B;

(2) A2B with a carrier modulated at any modulation percentage from 30 through 100 percent with any modulation frequency from 300 through 1350 Hertz; and

(3) H2B with a carrier keyed and emitted at any power level from 3 through 6 decibels below peak envelope power, with any modulation frequency from 300 through 1350 Hertz.

(c) The auto alarm must operate with signal levels up to 1 volt under normal operating conditions.

(d) The auto alarm warning device must not be activated by atmospherics or by any signal from the antenna other than the alarm signal.

(e) The auto alarms must respond to the alarm signal through non-continuous interference caused by atmospherics and powerful signals other than the alarm signal. In the presence of atmospherics or interfering signals, the auto alarm must automatically adjust itself within a reasonable time to the condition in which it can most readily distinguish the alarm signal.

(f) The auto alarm must respond without adjustment and with practically uniform sensitivity to signals over a band extending no less than 4 kHz on each side of the 500 kHz radiotelegraph frequency and with a minimum attenuation of:

6 dB at 495.0 kHz and 505.0 kHz
40 dB at 487.0 kHz and 513.0 kHz
80 dB at 475.0 kHz and 525.0 kHz

(g) When the auto alarm is activated it must sound continuously a warning in the radiotelegraph operating room, in the radio operator's cabin, and on the bridge.

(h) The auto alarm must include a 500 kHz signal generator and a keying device which automatically disconnects the auto alarm from the antenna when an alarm signal of 100 microvolts is applied to test the auto alarm.

§ 80.261 Technical requirements for automatic-alarm-signal keying device.

(a) The automatic-alarm-signal keying device may consist of one or more units.

(b) The device must be designed to activate the keying circuits of any transmitter approved by the Commission for use as a main or reserve transmitter.

(c) Timing-adjustment controls must not be accessible from the exterior of the device.

(d) The device must be able to repeatedly transmit the alarm signal. For this purpose the dashes transmitted must have a duration of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series must have a duration of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes must have a duration of 0.8 second to one minute. This operation must be sustainable with power supply voltage variations of ±15%.

(e) A single control, protected to avoid accidental manipulation, must be provided for placing the device into full operation within 30 seconds. Once in operation, the device must be capable of continuous operation without attention for a least one hour.

(f) When the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) must be automatically opened.

(g) The automatic-alarm-signal keying device must be capable of operation from a power supply independent of ship power. It may operate from the radio station emergency power supply.

(h) Instructions for adjustment of the device and the correct indication of any instrument incorporated to reveal improper operation must be inscribed on a plate mounted on the device in a position to be easily read by the operator.

(i) The keying circuit must be capable of switching 0.75 amperes DC through a 32 ohms non-inductive resistance. If the automatic-alarm-signal keying device is also intended to be used with transmitters requiring a keying circuit capability of 2 amperes DC through a 115 ohms non-inductive resistance, the keying circuit of the device must comply with this latter requirement.

(j) The automatic-alarm-signal keying device must operate within specifications throughout the temperature range 0–50 degrees Celsius at relative humidities as high as 95%.

(k) The automatic-alarm-signal keying device must be protected from excessive currents, power supply reversals and voltage variations which could cause damage to any component.

(l) The automatic-alarm-signal keying device must be capable of operating when subjected to vibrations having a frequency between 20 and 30 Hertz and an amplitude of 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the automatic-alarm-signal keying device.

§80.263 Common requirements for survival craft radio equipment.

In addition to the requirements set forth in §§ 80.265 and 80.267, survival craft radio equipment must comply with the following:

(a) The radio equipment must be operable without tools.

(b) Each equipment must be provided with an instruction manual covering the design, installation, operation, and maintenance of the equipment.

(c) Simple instructions for the operation of the equipment must be prominently and permanently attached to it. These instructions must include information about the erection of the antenna(s), and automatic and manual transmission of the international distress and alarm signals on 500 kHz.

(d) An artificial antenna for test purposes must be provided.

(e) The survival craft radio transmitter must meet the following:

(1) Must be pretuned to the required frequencies. The operating frequencies must be maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment, and shock or vibration. The frequency control circuit adjustments must not be readily available to the person using the transmitter;

(2) Antenna tuning controls must be provided on the operating panel. An initial adjustment of these controls must resonate the antenna circuit at each required operating radio frequency. Resonance must be maintained without further adjustment of the controls during a normal operating period of the transmitter;

(3) The front panel must contain controls for manual operation on 500 kHz, manual operation on 8364 kHz, and automatic operation alternately on these two frequencies. Not more than one manual switch adjustment must be necessary to transmit automatically. For manual radiotelegraphy the transmitter and receiver, including their controls, must be arranged so that they can be operated from the same operating position and the time necessary to change from transmission to recepition and vice versa must not exceed two seconds; and

(4) In automatic operation the radio must:

(i) On 500 kHz transmit the international radiotelegraph alarm signal followed by the international radiotelegraph distress signal, the latter to be transmitted in one or more separate groups, each group consisting of three separate distress signals;

(ii) On 8364 kHz transmit the international radiotelegraph distress signal in one or more separate groups, each group consisting of three separate distress signals; this group or these groups to be followed by a continuous long dash of not less than 30 seconds in duration;

(iii) Transmit the specified signals by automatically changing the operating frequency of the transmitter from 500 kHz to 8364 kHz and vice versa with a

transfer time interval not to exceed one second;

(iv) Completely de-energize the receiver during operation of the transmitter;

(v) Be capable of testing the required automatic keying arrangement without the generation of radio frequency energy; and

(vi) For automatic transmission of the international radiotelegraph distress signal, not exceed 16 words per minute or be less than 8 words per minute. The alarm signal dashes must have a duration within the limits of 3.8 to 4.2 seconds, and the spaces between each of the 12 dashes constituting a series must have a duration within the limits of 0.8 to 1.2 seconds.

(f) Survival craft radio receivers must meet the following requirements:

(1) The receiver must be capable of receiving A2A or H2A emission over the 492–508 kHz band without manual tuning and when manually tuned must be capable of receiving A1A and A2A or H2A and J2A emission on any frequency in the 8320–8745 kHz band;

(2) The selectivity of the receiver preceeding the final detector must be flat within 6 dB over the band 492 to 508 kHz;

(3) The audio frequency response of the receiver must be flat within 6 dB over the range of frequencies between 400 and 1400 Hertz; and

(4) The receiver must be equipped with only one manually operated volume control.

(g) The artificial antenna must meet the following requirements:

(1) Provide a reliable test load for the transmitter at the frequencies 500 kHz and 8364 kHz of approximately the same electrical characteristics as the single wire or collapsible rod antenna required by this section;

(2) Be housed in a single container and provided with terminals. If more than two terminals are provided on the artificial antenna, all the terminals must be labelled; and

(3) Be prominently labelled "FOR TEST USE ONLY".

§ 80.265 Requirements for survival craft portable radio equipment.

(a) Survival craft portable radio equipment must be provided as a single portable buoyant unit consisting of a transmitter, receiver including headphones, power supply, grounding system, antenna system and line for lowering the apparatus. Each totally enclosed lifeboat must comply with the additional equipment requirements specified in this section:

(1) The radio must float in sea water and withstand a drop into sea water in various positions from a height of 6 meters (20 feet), without requiring repair or adjustment other than normal antenna tuning. The operating controls, indicating devices and instruments, including the headphones, must be protected against physical damage and from prolonged exposure to the weather. The radio must withstand submersion in sea water so that no part is less than 5 centimeters (2 inches) below the surface of the water for two hours without leaking;

(2) The radio must be fitted with handles or grips. It must be carryable by either one or two persons;

(3) The radio must be designed to attach to a lifeboat thwart by lashing or other acceptable means;

(4) The radio, exclusive of the line for lowering, must not weigh more than 27 kilograms (60 pounds). A radio for use in a totally enclosed lifeboat must not weigh more than 18 kilograms (40 pounds);

(5) The line for lowering must consist of not less than 12 meters (40 feet) of 9 thread manila or sisal rope, or the equivalent thereof, which must be securely attached to the radio at all times;

(6) All removable components necessary for the proper operation of the radio must be attached to this equipment;

(7) Each radio must have a durable removable plate showing clearly the survival craft radio call sign in letters and digits and in characters of the Morse code; and

(8) The maximum overall dimensions of the radio to be used in totally enclosed lifeboats including accessories must not exceed 35 by 40 by 50 centimeters (14 by 16 by 20 inches).

(b)(1) Portable survival craft radio transmitters must meet the following requirements:

Operating frequency (kHz)	Frequency tolerance		Type of emission	Modulation percentage (average of modulation percentage of positive and negative peaks	Modulation frequency	Average power output into specified artificial antenna	Artificial antenna
	Parts [1] in 10 [6]	Hz [2]					
500	5,000	20	A2A and A2B or H2A and H2B.	Not less than 70	Not less than 450 nor greater than 1350 Hertz.	Not less than 1.7 watts	10 ohm resistance, 75 picofarads capacitance.
500	5,000	20	do	do	do	Not less than 2 watts [3]	15 ohms resistance, 100 picofarads capacitance.
8364	200	50	A2A and A3N or H2A and H3N.	do	do	Not less than 4 watts	40 ohms resistance.

[1] For equipment type accepted or type approved before November 30, 1977.
[2] For equipment type accepted or type approved after November 29, 1977.
[3] In the case of equipment type approved prior to May 26, 1965, the power output may be 1.7 watts into an artificial antenna of 10 ohms resistance and 75 picofarads capacitance.

(2) The transmitter must be equipped with a visual indicator or indicators such as neon tubes to show antenna circuit resonance. Failure of the indicator(s) must not keep the transmitter from operating.

(c) Portable survival craft receivers must meet the following requirements:

(1) The audio output must be one milliwatt with a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Operating frequency, (kHz)	Signal strength (microvolts)	Modulation factor	Modulation (Hz)	Artificial antenna
500	25	0.3	400	10 ohms resistance and 100 picofarads capacitance. [1]
8364	100	0.3	400	40 ohms resistance.

[1] In the case of equipment type approved prior to May 26, 1965, the artificial antenna may be 10 ohms resistance and 75 picofarads capacitance.

(2) The noise power present in the output of the receiver when the receiver is adjusted for A2A or H2A emission on 500 kHz and 8364 kHz must be determined with an unmodulated input signal of the indicated strength.

(d) The power supply must meet the following requirements:

(1) The source of power must be a manually operated electric generator capable of energizing the survival craft radio installation. The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism must not exceed a maximum of 0.15 horsepower for any operation of the survival craft radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and plus 50 degrees Celsius. Under these conditions the speed of rotation of the crank handle(s) must not be greater than 70 revolutions per minute nor must the cycles of operation of the propelling lever(s) be greater than 70 cycles per minute. The voltages applied to the radio installation must not vary from their normal values more than 20 percent at any generator speed in excess of the normal operating speed which can be manually developed.

(e) The antenna system must consist of a single wire antenna with a collapsible mast or a collapsible rod antenna conforming to the following requirements:

(1) The single wire antenna must be at least 12 meters (40 feet) of at least No. 10 AWG insulated extra-flexible stranded copper and include a means for fastening the wire to the antenna supports, and means for making electrical connection to the transmitter;

(2) Each totally enclosed lifeboat must be provided with a collapsible rod antenna which operates in either a freestanding position or supported only by a grommet in the canopy of the lifeboat. The antenna must be capable of being erected from within of the enclosure. Antennas for use in totally enclosed lifeboats must be type accepted.

(f) The grounding system must consist of either a conducting wire or plate to provide an efficient ground for the portable survival craft equipment. The conducting wire must consist of a length of not less than 6 meters (20 feet) of No. 10 AWG bare stranded copper or equivalent copper braid weighted at one end for immersion in the sea. The ground plate must consist of a bare plate or strips of corrosion resistant metal having a total area of at least .6 square meters (6.5 square feet) and must be located on the hull of the lifeboat below the waterline. The electrical connection to the grounding conductor or to the ground plate must be made from inside the lifeboat.

§ 80.267 Requirements for survival craft nonportable radio equipment.

(a)(1) The radio transmitter must meet the following requirements:

Operating frequency (kHz)	Frequency tolerance		Type of emission	Modulation percentages (average of modulation percentage of positive and negative peaks)	Modulation frequency	Average power output into specified artificial antenna	Artificial antenna
	Parts [1] in 10^6	HZ [2]					
500	5,000	20	A2A and A2B or H2A and H2B.	Not less than 70	Not less than 450 nor greater than 1350 Hertz.	Not less than 30 watts	10 ohms resistance and 100 picofarads capacitance.
8364	200	50	A2A or H2A ides	do	do	Not less than 40 watts	40 ohms resistance.

[1] For equipment type accepted or type approved before November 30, 1977.
[2] For equipment type accepted or type approved after November 29, 1977.

(2) The transmitter must have an antenna current meter.

(b) Survival craft non-portable receivers must meet the following requirements:

(1) The audio output must be one milliwatt at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Operating frequency, (kHz)	Signal strength (microvolts)	Modulation factor	Modulation (Hz)	Artificial antenna
500	200	0.3	400	15 ohms resistance and 100 picofarads capacitance.
8364	1,000	0.3	400	40 ohms resistance.

(2) When the receiver is adjusted for A2A or H2A emission on 500 kHz and 8364 kHz the noise power present in the output of the receiver must be determined with an unmodulated input signal of the indicated strength;

(3) The audio output of the receiver must be capable of at least 8 dB above one milliwatt at the rated loan impedance.

§ 80.269 Technical requirements for radiotelephone distress frequency watch receiver.

(a) The radiotelephone distress frequency watch receiver is comprised of a receiver, a loudspeaker and a radiotelephone auto alarm device.

(b) The radiotelephone distress frequency watch receiver must meet the following requirements:

(1) The receiver must be capable of being switched to 2182 kHz and of receiving signals of at least A2A, A2B, H2A and H2B emissions;

(2) The receiver sensitivity must provide a SINAD of 20 dB at the audio output when a 30 microvolt signal with A2A, A2B, H2A, or H2B emission modulated 30% at 400 Hz is applied to the receiver RF terminals;

(3) The audio output of the receiver must be at least 50 milliwatts at the rated load impedance;

(4) The receiver must be provided with an auto alarm device which mutes the receiver (silences the loudspeaker) unless the radiotelephone alarm signal or the signal preceeding a vital navigational warning is received. When the auto alarm is activated the receiver audio output level must be louder than the output level of the received speech signal. Additionally, the receiver must meet the following requirements:

(i) When the receiver is muted its audio output power must be less than 1 milliwatt;

(ii) If tone filters are used to process the 1300 Hz and 2200 Hz tones the tolerance of their center frequency must be ±1.5 percent of the alerting frequency. The response must be flat within 6 dB to ±3% of the center frequency of the filters; and

(iii) The receiver must not be unmuted by atmospherics or by strong signals other than the radiotelephone alarm and the vital navigational warning signal.

(5) The receiver must be unmuted within 4 to 6 seconds when a double

sideband alarm signal modulated at 70% is applied at its input terminals at a level which produces a SINAD of 10 dB under the following conditions:

(i) For radiotelephone alarm the signal must be modulated sequentially by a 1300 ±20 Hz tone and a 2200 ±35 Hz tone. The duration of each tone must be 250 ±50 milliseconds and the period between each tone must not exceed 50 milliseconds; and

(ii) For navigational warning the signal must be modulated by a 2200 ±35 Hz tone and the modulated carrier must be turned "on" for 250 ±50 milliseconds and then "off" for 250 ±50 milliseconds.

(6) The receiver must not be unmuted when a double sideband signal of 70 dB above the receiver measured sensitivity, modulated at 70% by a 2200 ±35 Hz tone with the following durations is applied at its input terminals:

(i) "On" periods of less than 175 milliseconds or more than 325 milliseconds followed by "off" periods of any duration; and

(ii) "Off" periods of less than 175 milliseconds or more then 425 milliseconds followed by "on" periods of any duration.

(7) The controls listed below must be provided on the exterior of the equipment:

(i) On/off switch with a visual indication that the device is on;

(ii) Volume control to adjust the audio output;

(iii) Control for dimming any light on the equipment;

(iv) Control for switching the auto alarm in and out of operation; and

(v) Control to manually reset the auto alarm to muted condition.

(8) The receiver must operate within specifications throughout the temperature range 0–50 degrees Celsius at relative humidities as high as 95%.

(9) The receiver must be capable of operating when subjected to vibrations having a frequency between 20 and 30 Hertz and an amplitude of 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the auto alarm.

§ 80.271 Technical requirements for portable survival craft radiotelephone transceivers.

(a) Portable survival craft radiotelephone transceivers must comply with the following:

(1) The transceivers must receive and transmit either on 457.525 MHz or on 156.800 MHz;

(2) The receiver must comply with the requirements in Part 15, Subpart C of this chapter and must have a sensitivity of not more than 2 microvolts. The sensitivity requirement must be met using the receiver sensitivity measurement procedure specified in the Radio Technical Commission for Marine Services (RTCM) Special Committee No. 66 Report MMS–R2;

(3) The effective radiated power of the transmitter must be at least 0.1 watt;

(4) The transceivers must be battery powered and operate for at least four hours with a transmit to receive ratio of 1:9 with no significant adverse effect upon the performance of the device;

(5) The transceivers must have a permanently attached waterproof label with the statement "Complies with the FCC requirements for survival craft two-way radiotelephone equipment"; and

(6) The antenna must be permanently attached to the device or its removal must require the use of a special tool.

(b) Portable radiotelephone transceivers that are already type accepted may be used to satisfy the survival craft radiotelephone requirement until October 1, 1993, provided the device meets the technical requirements in (a)(1) through (a)(3) of this section.

(c) Survival craft radiotelephone equipment installed after October 1, 1988, must be type accepted to meet the requirements of this section.

(d) After October 1, 1993, all portable radiotelephone transceivers that are used to satisfy the survival craft radiotelephone requirement must have been type accepted to meet the requirements of this section.

(e) Portable radiotelephone transceivers which are type accepted to meet the requirements of this section must be identified by an appropriate note in the Commission's Radio Equipment List.

§ 80.273 Technical requirements for radar equipment.

The technical requirements for radar equipment are contained in § 80.825.

Subpart G—Safety Watch Requirements and Procedures

Coast Station Safety Watches

§ 80.301 Watch requirements.

(a) Each public coast station operating on telegraphy frequencies in the band 405–535 kHz must maintain a watch for classes A1A, A2B and H2B emissions by a licensed radiotelegraph operator on the frequency 500 kHz for three minutes twice each hour, beginning at x h.15 and x h.45 Coordinated Universal Time (UTC).

(b) Each public coast station licensed to operate in the band 1605–3500 kHz must monitor such frequency(s) as are used for working or, at the licensee's discretion, maintain a watch on 2182 kHz.

(c) Except for distress, urgency or safety messages, coast stations must not transmit on 2182 kHz during the silence periods for three minutes twice each hour beginning at x h.00 and x h.30 Coordinated Universal Time (UTC).

(d) Each public coast station must provide assistance for distress communications when requested by the Coast Guard.

§ 80.302 Notice of discontinuance, reduction, or impairment of service involving a distress watch.

(a) When changes occur in the operation of a public coast station which include discontinuance, reduction or suspension of a watch required to be maintained on 500 kHz, 2182 kHz, or 156.800 MHz, notification must be made by the licensee to the nearest district office of the U.S. Coast Guard as soon as practicable. The notification must include the estimated or known resumption time of the watch.

§ 80.303 Watch on 156.800 MHz (channel 16).

(a) During its hours of operation, each coast station operating in the 156–162 MHz band and serving rivers, bys and inland lakes except the Great Lakes, must maintain a safety watch on the frequency 156.800 MHz.

(b) A coast station may be exempted from compliance with the watch requirement when Federal, State or Local Government stations maintain a watch on 156.800 MHz over 95% of the coast station's service area. Requests for an exemption must include a chart showing the receiving service area of the inland water public coast station. The coordinates, to the nearest minute, and the receiving service area of the Government stations maintaining the continuous watch on 156.800 MHz must be indicated on the same chart. The service area of these stations must be calculated using criteria specified in Subpart P of this part.

(c) If the government station(s) providing the 156.800 MHz watch over the service area of an exempt station temporarily discontinues that watch, the exempt coast station upon receiving notice of this condition must maintain the watch on 156.800 HMz during the discontinuance. Automated maritime communications systems' compliance with this requirement is limited to the use of existing facilities.

Ship Station Safety Watches

§ 80.304 Watch requirement during silence periods.

(a) Each ship station operating on telegraphy frequencies in the band 405–

535 kHz, must maintain a watch on the frequency 500 kHz of three minutes twice each hour beginning at x h.15 and x h.45 Coordinated Universal Time (UTC) by a licensed radiotelegraph officer using either a loudspeaker or headphone.

(b) Each ship station operating on telephony on frequencies in the band 1605–3500 kHz must maintain a watch on the frequency 2182 kHz. This watch must be maintained at least twice each hour for 3 minutes commencing at x h.00 and x h.30 Coordinated Universal Time (UTC) using either a loudspeaker or headphone. Expect for distress, urgency or safety messages, ship stations must not transmit during the silence periods on 2182 kHz.

§ 80.305 Watch requirements of the Communications Act and the Safety Convention.

(a) Each ship of the United States which is equipped with a radiotelegraph station for compliance with Part II of Title III of the Communications Act or Chapter IV of the Safety Convention must:

(1) Keep a continuous and efficient watch on 500 kHz by means of radio officers while being navigated in the open sea outside a harbor or port. In lieu thereof, on a cargo ship equipped with a radiotelegraph auto alarm in proper operating condition, an efficient watch on 500 kHz must be maintained by means of a radio officer for at least 8 hours per day in the aggregate, i.e., for at least one-third of each day or portion of each day that the vessel is navigated in the open sea outside of a harbor or port.

(2) Keep a continuous and efficient watch on the radiotelephone distress frequency 2182 kHz from the principal radio operating position or the room from which the vessel is normally steered while being navigated in the open sea outside a harbor or port. A radiotelephone distress frequency watch receiver having a loudspeaker and a radiotelephone auto alarm facility must be used to keep the continuous watch on 2182 kHz if such watch is kept from the room from which the vessel is normally steered. After a determination by the master that conditions are such that maintenance of the listening watch would interfere with the safe navigation of the ship, the watch may be maintained by the use of the radiotelephone auto alarm facility alone.

(3) Keep a continuous and efficient watch on the VHF distress frequency 156.800 MHz from the room from which the vessel is normally steered while in the open sea outside a harbor or port. The watch must be maintained by a designated member of the crew who may perform other duties, relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch. Use of a properly adjusted squelch or brief interruptions due to other nearby VHF transmissions are not considered to adversely affect the continuity or efficiency of the required watch on the VHF distress frequency. This watch need not be maintained by vessels subject to the Bridge-to-Bridge Act and participating in a Vessel Traffic Services (VTS) system as required or recommended by the U.S. Coast Guard, when an efficient listening watch is maintained on both the bridge-to-bridge frequency and a separate assigned VTS frequency.

(b) Each cargo ship of the United States which is equipped with a radiotelephone station for compliance with Part II of Title III of the Communications Act or Chapter IV of the Safety Convention must while being navigated outside of a harbor or port:

(1) Keep a continuous watch on 2182 kHz in the room from which the vessel is normally steered while at sea, whenever such station is not being used for authorized traffic. Such watch must be maintained by at least one officer or crewmember who may perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the watch. A radiotelephone watch receiver having a loudspeaker and a radiotelephone auto alarm must be used to keep the continuous watch on 2182 kHz. After a determination by the master that maintenance of the watch would interfere with the safe navigation of the ship, the watch may be maintained by use of the radiotelephone auto alarm facility alone.

(2) Keep a continuous watch on 156.800 MHz from the room from which the vessel is normally steered. The watch must be maintained by a crewmember who may perform other duties, relating to the operation or navigation of the vessel, provided such other duties do not interfere with the watch. Use of properly adjusted squelch of brief interruptions due to other nearby VHF transmissions are not considered to adversely affect the watch. This watch need not be maintained by vessels subject to the Bridge-to-Bridge Act and participating in a Vessel Traffic Services (VTS) system when a watch is maintained on both the bridge-to-bridge frequency and a VTS frequency.

(c) Each vessel of the United States transporting more than six passengers for hire, which is equipped with a radiotelephone station for compliance with Part III of Title III of the Communications Act must, while being navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, keep a continuous watch on 2182 kHz while the vessel is beyond VHF communication range of the nearest VHF coast station, whenever the radiotelephone station is not being used for authorized traffic. A VHF watch must be kept on 156.800 MHz whenever such station is not being used for authorized traffic. The VHF watch must be maintained at the vessel's steering station actually in use by the qualified operator as defined by § 80.157 or by a crewmember who may perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the watch. The use of a properly adjusted squelch is not considered to adversely affect the watch. The VHF watch need not be maintained by vessels subject to the Bridge-to-Bridge Act and participating in a Vessel Traffic Services (VTS) system when an efficient listening watch is maintained on both the bridge-to-bridge frequency and a VTS frequency.

§ 80.306 Provisions governing the radiotelegraph watch.

(a) The radio officer must use the main or reserve receiver, and either headphones or a loudspeaker to keep the watch on 500 kHz.

(b) During the watch, the radio officer may temporarily interrupt the required watch on 500 kHz while transmitting or receiving signals or messages to or from a station but only if it is not feasible to simultaneously handle such traffic and listen on 500 kHz by a split headphones or a loudspeaker. The watch on 500 kHz must, however, without exception be maintained during the silence periods.

(c) During this watch, on vessels subject to the Communications Act and the Safety Convention on international voyages, the radio officer may discontinue listening when handling traffic on other frequencies or performing other essential radio duties, but only if it is impracticable to listen by split headphones or loudspeaker. The watch must always be maintained by a radio officer using headphones or loudspeaker during the silence periods. The term "essential radio duties" in this rule includes urgent repairs of radiocommunication equipment used for safety or radio navigational equipment by order of the master.

(d) When authorized by the master, the radio officer may perform maintenance repair of communications,

navigation or other electronic equipment outside of the radiotelegraph room, provided that the listening watch on 500 kHz can be maintained by headphones, loudspeakers, portable receivers, or other suitable means. The watch on 500 kHz must be maintained in the radiotelegraph room during the silence period.

§ 80.307 Compulsory use of radiotelegraph auto alarm.

The radiotelegraph auto alarm required on a cargo ship subject to the radiotelegraph provisions of Part II of Title III of the Communications Act or the Safety Convention must be in operation, connected to the main antenna and adjusted for optimum efficiency at all times while the ship is being navigated in the open sea when a radio officer is not listening on the frequency 500 kHz, except under the circumstances as set forth in § 80.306(b).

§ 80.308 Watch required by the Great Lakes Radio Agreement.

Each ship of the United States which is equipped with a radiotelephone station for compliance with the Great Lakes Radio Agreement must when underway, keep a watch on 156.800 MHz whenever such station is not being used for authorized traffic. The watch must be maintained by a least one officer or crewmember who may perform other duties provided such other duties do not interfere with the watch.

§ 80.309 Watch required by Bridge-to-Bridge Act.

All vessels subject to the Bridge-to-Bridge Act must keep a watch on the designated navigational frequency. The watch must be maintained by the master or person in charge of the vessel or the person designated by the master or person in charge to pilot or direct the movement of the vessel. The person standing watch may perform other duties provided such other duties do not interfere with the watch.

§ 80.310 Watch required by voluntary vessels.

Voluntary vessels must maintain a watch on 156.800 MHz whenever the radio is operating and is not being used to communicate.

Distress, Alarm, Urgency and Safety Procedures

§ 80.311 Authority for distress transmission.

A mobile station in distress may use any means at its disposal to attract attention, make known its position, and obtain help. A distress call and message, however, must be transmitted only on the authority of the master or person responsible for the mobile station. No person shall knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or related communication.

§ 80.312 Priority of distress transmissions.

The distress call has absolute priority over all other transmissions. All stations which hear it must immediately cease any transmission capable of interfering with the distress traffic and must continue to listen on the frequency used for the emission of the distress call. This call must not be addressed to a particular station. Acknowledgement of receipt must not be given before the distress message which follows it is sent.

§ 80.313 Frequencies for use in distress.

The frequencies specified in the bands below are for use by mobile stations in distress. The conventional emission is shown. When a ship station cannot transmit on the designated frequency or the conventional emission, it may use any available frequency or emission. Frequencies for distress and safety calling using digital selective calling techniques are listed in § 80.359(b).

Frequency band	Emission	Carrier frequency
405–535 kHz	A2B	500 kHz.
1605–3500 kHz	J3E	2182 kHz.
4000–27, 5000 kHz	A2B	8364 kHz.
118–136 MHz	A3E	121.500 MHz.
156–162 MHz	F3E, PON	156.800 MHz 156.750 MHz.
243 MHz	A3N	243.000 MHz.

The maximum transmitter power obtainable may be used.

§ 80.314 Distress signals.

(a) The international radiotelegraphy distress signal consists of the group "three dots, three dashes, three dots" (... ---...), symbolized herein by SOS, transmitted as a single signal in which the dashes are slightly prolonged so as to be distinguished clearly from the dots.

(b) The international radiotelephone distress signal consists of the word MAYDAY, pronounced as the French expression "m'aider".

(c) These distress signals indicate that a mobile station is threatened by grave and imminent danger and requests immediate assistance.

§ 80.315 Distress calls.

(a) The radiotelegraph distress call consists of:

(1) The distress signal SOS, sent three times;

(2) The word DE;

(3) The call sign of the mobile station in distress, sent three times.

(b) The radiotelephone distress call consists of:

(1) The distress signal MAYDAY spoken three times;

(2) The words THIS IS;

(3) The call sign (or name, if no call sign assigned) of the mobile station in distress, spoken three times.

§ 80.316 Distress messages.

(a) The radiotelegraph distress message consists of:

(1) The distress signal SOS;

(2) The name of the mobile station in distress;

(3) Particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired;

(6) Any other information which might facilitate rescue.

(b) The radiotelephone distress message consists of:

(1) The distress signal MAYDAY;

(2) The name of the mobile station in distress;

(3) Particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired;

(6) Any other information which might facilitate rescue, for example, the length, color, and type of vessel, number of persons on board.

(c) As a general rule, a ship must signal its position in latitude and longitude, using figures for the degrees and minutes, together with one of the words NORTH or SOUTH and one of the words EAST or WEST. In radiotelegraphy, the signal .-.-.- must be used to separate the degrees from the minutes. When practicable, the true bearing and distance in nautical miles from a known geographical position may be given.

§ 80.317 Radiotelegraph and radiotelephone alarm signals.

(a) The international radiotelegraph alarm signal consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between consecutive dashes one second. The purpose of this special signal is the actuation of automatic devices giving the alarm to attract the attention of the operator when there is no listening watch on the distress frequency.

(b) The international radiotelephone alarm signal consists of two substantially sinusoidal audio frequency tones transmitted alternately. One tone must have a frequency of 2200 Hertz and the other a frequency of 1300 Hertz, the duration of each tone being 250 milliseconds. When generated by automatic means, the radiotelephone

alarm signal must be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute; when generated by other means, the signal must be transmitted as continuously as practicable over a period of approximately one minute. The purpose of this special signal is to attract the attention of the person on watch or to actuate automatic devices giving the alarm.

§ 80.318 Use of alarm signals.

(a) The radiotelegraph or radiotelephone alarm signal, as appropriate, must only be used to announce:

(1) That a distress call or message is about to follow;

(2) The transmission of an urgent cyclone warning. In this case the alarm signal may only be used by coast stations authorized by the Commission to do so; or

(3) The loss of a person or persons overboard. In this case the alarm signal may only be used when the assistance of other ships is required and cannot be satisfactorily obtained by the use of the urgency signal only, but the alarm signal must not be repeated by other stations. The message must be preceded by the urgency signal.

(b) In cases described in paragraphs (a)(2) and (3) of this section, the transmission of the warning or message by radiotelegraphy must not begin until two minutes after the end of the radiotelegraph alarm signal.

§ 80.319 Radiotelegraph distress call and message transmission procedure.

(a) The radiotelegraph distress procedure consists of the following six steps: however, when time is vital, the first and second steps may be omitted. These two steps of the distress procedure may also be omitted in circumstances when transmission of the alarm signal is considered unnecessary:

(1) The radiotelegraph alarm signal;

(2) The distress call and an interval of two minutes;

(3) The distress call;

(4) The distress message;

(5) Two dashes of ten to fifteen seconds each;

(6) The call sign of the mobile station in distress.

(b) The radiotelegraph distress transmissions must be sent by means of the international Morse code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) The distress message, preceded by the distress call, must be repeated at intervals, especially during the 500 kHz international silence periods, until an answer is received. The radiotelegraph alarm signal may also be repeated, if necessary.

(d) The transmissions under paragraphs (a)(5) and (6) of this section, which are to permit direction finding stations to determine the position of the station in distress, may be repeated at frequent intervals if necessary.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 80.320 Radiotelephone distress call and message transmission procedure.

(a) The radiotelephone distress procedure consists of:

(1) The radiotelephone alarm signal (whenever possible);

(2) The distress call;

(3) The distress message.

(b) Radiotelephone distress transmissions must be made slowly and distinctly, each word being clearly pronounced to facilitate transcription.

(c) After the transmission by radiotelephony of its distress message, the mobile station may be requested to transmit suitable signals followed by its call sign or name, to permit direction-finding stations to determine its position. This request may be repeated at frequent intervals if necessary.

(d) The distress message, preceded by the distress call, must be repeated at intervals until an answer is received. This repetition must be preceded by the radiotelephone alarm signal whenever possible.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 80.321 Acknowledgement of receipt of distress message.

(a) Stations of the maritime mobile service which receive a distress message from a mobile station which is beyond any possible doubt in their vicinity must immediately acknowledge receipt. However, in areas where reliable communication with one or more coast stations is practicable, ship stations may defer this acknowledgement for a short interval so that a coast station may acknowledge receipt.

(b) Stations of the maritime mobile service which receive a distress message from a mobile station which beyond any possible doubt is not in their vicinity, must allow a short interval of time to elapse before acknowledging receipt of the message in order to permit stations nearer to the mobile station in distress to acknowledge receipt without interference.

§ 80.322 Form of acknowledgement.

(a) The acknowledgement of receipt of a radiotelegraph distress message is transmitted in the following form:

(1) The distress signal SOS;

(2) The call sign of the station sending the distress message, sent three times;

(3) The word DE;

(4) The call sign of the station acknowledging receipt, sent three times;

(5) The group RRR;

(6) The message signal SOS.

(b) The acknowledgement of receipt of a radiotelephone distress message is transmitted in the following form:

(1) The distress signal MAYDAY;

(2) The call sign or other identification of the station sending the distress message, spoken three times;

(3) The words THIS IS;

(4) The call sign or other identification of the station acknowledging receipt, spoken three times;

(5) The word RECEIVED;

(6) The distress signal MAYDAY.

§ 80.323 Information furnished by an acknowledging station.

(a) Every mobile station which acknowledges receipt of a distress message must on the order of the master or person responsible for the ship, aircraft, or other vehicle carrying such mobile station, transmit as soon as possible the following information in the order shown:

(1) Its identifier;

(2) Its position;

(3) The speed at which it is proceeding towards, and the approximate time it will take to reach the mobile station in distress.

(b) Before sending this message, the station must ensure that it will not interfere with the emissions of other stations better situated to render immediate assistance to the station in distress.

§ 80.324 Transmission of distress message by station not itself in distress.

(a) A mobile station or a land station which learns that a mobile station is in distress must transmit a distress message in any of the following cases:

(1) When the station in distress cannot transmit the distress message.

(2) When the master or person responsible for the ship, aircraft, or other vehicle not in distress, or for the land station, believes that further help is necessary.

(3) When, although not in a position to assist, it has heard a distress message which has not been acknowledged.

When a mobile station transmits such a distress message, it must notify the authorities who may be able to assist.

(b) Transmission must be made on the international distress frequencies or on any other available frequency on which attention might be attracted.

(c) Transmission of the distress message must always be preceded by the call indicated below, which must itself be preceded whenever possible by the radiotelegraph or radiotelephone alarm signal. This call consists of:

(1) When radiotelegraphy is used:

(i) The signal DDD SOS SOS SOS DDD:

(ii) The word DE;

(iii) The call sign of the transmitting station, sent three times.

(2) When radiotelephony is used:

(i) The signal MAYDAY RELAY, spoken three times;

(ii) The words THIS IS;

(iii) The call sign or other identification of the transmitting station, spoken three times.

(d) When the radiotelegraph alarm signal is used, an interval of two minutes must be allowed, whenever this is considered necessary, before the transmission of the call mentioned in paragraph (c)(1) of this section.

§ 80.325 Control of distress traffic.

(a) Distress traffic consists of all messages relating to the immediate assistance required by the mobile station in distress. In distress traffic, the distress signal must be sent before the call and at the beginning of the preamble of any radiotelegram.

(b) The control of distress traffic is the responsibility of the mobile station in distress or of the station which has sent the distress message. These stations may delegate the control of the distress traffic to another station.

(c) The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It must address these instructions "to all stations" or to one station only, according to circumstances. In either case, it must use one of the following signals which are reserved for use by the mobile station in distress and for the station controlling distress traffic:

(1) In radiotelegraphy, the abbreviation QRT, followed by the distress signal SOS.

(2) In radiotelephony, the signal SEELONCE MAYDAY.

(d) If essential, any station of the mobile service near the ship, aircraft, or other vehicle in distress may also impose silence. It must use for this purpose:

(1) In radiotelegraphy, the abbreviation QRT, followed by the word DISTRESS and its own call sign;

(2) In radiotelephony, the word SEELONCE, followed by the word DISTRESS and its own call sign or other identification.

§ 80.326 Notification of resumption of normal working.

(a) When distress traffic has ceased, or when complete silence is no longer necessary on a frequency which has been used for distress traffic, the station which has controlled this traffic must transmit on that frequency a message addressed "to all stations" indicating that normal working may be resumed.

(1) In radiotelegraphy, this message consists of:

(i) The distress signal SOS;

(ii) The call "to all stations" (CQ), sent three times;

(iii) The word DE;

(iv) The call sign of the station sending the message;

(v) The time of handing in the message;

(vi) The name and call sign of the mobile station which was in distress;

(vii) The service abbreviation QUM.

(2) In radiotelephony, this message consists of:

(i) The distress signal MAYDAY;

(ii) The call "Hello all stations", spoken three times;

(iii) The words THIS IS;

(iv) The call sign or other identification of the station sending the message;

(v) The time of handing in of the message;

(vi) The name and call sign of the mobile station which was in distress;

(vii) The words SEELONCE FEENEE OR PRU-DONCE.

(b) Until they receive the foregoing message indicating that normal or limited working may be resumed, all stations which are aware of the distress traffic, and which are not taking part in it, are forbidden to transmit on the frequencies on which the distress traffic is taking place.

§ 80.327 Urgency signals

(a) The urgency signal indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or the safety of a person. The urgency signal must be sent only on the authority of the master or person responsible for the mobile station.

(b) In radiotelegraphy, the urgency signal consists of three repetitions of the group XXX, sent with the individual letters of each group, and the successive groups clearly separated from each other. It must be transmitted before the call.

(c) In radiotelephony, the urgency signal consists of the word PAN, spoken three times and transmitted before the call.

(d) The urgency signal has priority over all other communications except distress. All mobile and land stations which hear it must not interfere with the transmission of the message which follows the urgency signal.

§ 80.328 Urgency message.

(a) The urgency signal and call, and the message following it, must be sent on one of the international distress frequencies. Stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

(b) Mobile stations which hear the urgency signal must continue to listen for at least three minutes. At the end of this period, if no urgency messageh as been heard, they may resume their normal service. However, land and mobile stations which are in communication on frequencies other than those used for the transmission of the urgency signal and of the call which follows it may continue their normal work without interruption provided the urgency message is not addressed "to all stations".

(c) When the urgency signal has been sent before transmitting a message "to all stations" which calls for action by the stations receiving the message, the station responsible for its transmission must cancel it as soon as it knows that action is no longer necessary. This message of cancellation must likewise be addressed "to all stations".

§ 80.329 Safety signals.

(a) The safety signal indicates that the station is about to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(b) In radiotelegraphy, the safety signal consists of three repetitions of the group TTT, sent with the individual letters of each group, and the successive groups clearly separated from each other. It must be sent before the call.

(c) In radiotelephony, the safety signal consists of the word SECURITE, pronounced as in French, spoken three times and transmitted before the call.

(d) The safety signal and call must be sent on one of the international distress frequencies (500 kHz or 8364 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone). Stations which cannot

transmit on a distress frequency may use any other available frequency on which attention might be attracted.

§ 80.330 Safety message.

(a) The safety signal and call must be followed by the safety message. Where practicable, the safety message should be sent on a working frequency, and a suitable announcement to this effect must be made at the end of the call.

(b) Except for the cases mentioned in paragraph (c) of this section, the safety signal when sent on the frequency 500 kHz must be transmitted toward the end of the first available silence period; the safety message must be transmitted immediately after the silence period.

(c) Messages about meteorological warnings, of cyclones, dangerous ice, dangerous wrecks, or any other imminent danger to marine navigation must be preceded by the safety signal.

(d) Stations hearing the safety signal must not make any transmission likely to interfere with the message.

§ 80.331 Bridge-to-bridge communication procedure.

(a) Vessels subject to the Bridge-to-Bridge Act transmitting on the designated navigational frequency must conduct communications in a format similar to those given below:

(1) this is the (name of vessel). My position is (give readily identifiable position, course and speed) about to (describe contemplated action). Out.

(2) Vessel off (give a readily identifiable position). This is (name of vessel) off (give a readily identifiable position). I plan to (give proposed course of action). Over.

(3) (Coast station), this is (vessel's name) off (give readily identifiable position). I plan to (give proposed course of action). Over.

(b) Vessels acknowledging receipt must answer "(Name of vessel calling). This is (Name of vessel answering). Received your call," and follow with an indication of their intentions. Communications must terminate when each ship is satisfied that the other no longer poses a threat to its safety and is ended with "Out".

(c) Use of power greater than 1 watt in a bridge-to-bridge station shall be limited to the following three situations:

(1) Emergency.

(2) Failure of the vessel being called to respond to a second call at low power.

(3) A broadcast call as in paragraph (a)(1) of this section in a blind situation, e.g., rounding a bend in a river.

§ 80.332 Equipment to aid search and rescue operations.

(a) Survival craft stations may transmit distress, urgency and safety signals, calls and messages.

(b) EPIRB's may transmit only in accordance with the requirements of Subparts V and X of this part.

§ 80.333 Stations in the maritime mobile-satellite service.

The provisions of §§ 80.311 and 80.324 apply to the operations of ship earth stations in the maritime mobile-satellite service.

Subpart H—Frequencies

Radiotelegraphy

§ 80.351 Scope.

The following sections describe the carrier frequencies and general uses of radiotelegraphy with respect to the following:

—Distress, urgency, safety, call and reply.
—Working.
—Digital selective calling (DSC).
—Narrow-band direct-printing (NB–DP).
—Facsimile.

§ 80.353 General uses—radiotelegraphy.

(a) Unless otherwise indicated radiotelegraphy may be used by ship and public coast stations only.

(b) The signal code for Morse telegraphy must be the international Morse code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention.

(c) To facilitate communications, ship stations transmitting by means of radiotelegraphy must use the service abbreviations ("Q" signals) listed in Appendix 14 to the ITU Radio Regulations whenever practicable.

(d) In order to reduce interference stations must attempt to select calling frequencies which provide the most favorable propagational characteristics for effecting reliable communications.

(e) Coast stations may apply to use for telegraphy communications any additional coast station frequencies that are allocated for such communications in the 10–27500 kHz band that are not listed in this part. See the Table of Frequency allocations in § 2.106 of this chapter. The use of such frequencies will be authorized initially with a six month provisional period.

(f) Radiotelegraphy stations communicating with a Government station may transmit on a Government frequency when authorized to do so by the Government station or agency if the emission, bandwidth and frequency tolerance of the non-Government station are within the same limits as the Government station.

§ 80.355 Distress, urgency, safety, call and reply frequencies.

This section describes the distress, urgency, safety, call and reply carrier frequencies assignable to stations for Morse code radiotelegraphy.

(a) *Frequencies in the 100–160 kHz band.* The international calling frequency in the 100–160 kHz band is 143 kHz using A1A or J2A emission. When a ship station operating in the 100–160 kHz band desires to communicate with a coast station, it must call on the frequency 143 kHz unless the International List of Coast Stations provides otherwise. Coast stations must reply on their normal working frequency in this band. Only individual calls, replies to such calls, and transmission of signals preparatory to traffic may be transmitted on 143 kHz.

(b) *Frequencies in the 405–535 kHz band.* (1) The international distress, urgency, safety, call and reply frequency used by ship and coast stations operating in the 405–525 kHz band is 500 kHz. A2A and A2B or H2A and H2B emissions are preferred for distress calls, distress traffic and for urgency and safety messages. For call and reply messages A1A or J2A emission must be used. In order to facilitate distress communications routine correspondence tranmissions on 500 kHz must be reduced to a minimum.

(2) In Region 2 and areas of heavy traffic ship stations must request coast stations to listen on the ship station's working frequencies.

(3) In areas where 500 kHz is used for distress a ship or coast station must use the supplementary calling frequency 512 kHz for routine calling and normally request a reply on its working frequency. The called station may reply on 512 kHz when requested to do so by the calling station.

(c) *Frequencies in the 2000–27500 kHz band.*—(1) *Survival craft frequencies:* Survival craft operating on 8364 kHz must use A2A or H2A emission to establish communications related to search and rescue operations.

(2) The frequencies 2174.5 kHz, 4177.5 kHz, 6268.0 kHz, 8357.5 kHz, 12520.0 kHz and 16695.0 kHz are available exclusively for distress and safety communications using NB–DP.

(3) *Ship station frequencies.* The following tables describe the calling and safety carrier frequencies and frequency families in the 4000–27500 kHz band which may be used by ship stations for A1A or J2A radiotelegraphy. All of these frequencies are available to all

authorized ship stations. In addition ship stations may operate 100 and 200 Hz above and below each of the frequencies listed in these tables. The calling frequencies are arranged by frequency family numbers. The frequency families which must be routinely guarded by U.S. coast radiotelegraph stations are marked by footnotes. The specific frequencies of the frequency family which must be guarded at a coast station will vary with propagation conditions. The calling frequencies which are routinely guarded by specific coast stations can be determined by reference to the ITU publication entitled "List of Coast Stations". The world-wide plan for the distribution and use of calling frequencies appears in Appendix 34 and Resolution No. 312 to the current edition of the ITU Radio Regulations. Initial calls by ship stations must be made on the appropriate frequencies of frequency family 3, 9, 13 or 17. Calls on frequency family 5 or 6 must be made only after calls on the appropriate frequency family 3, 9, 13 or 17 are unsuccessful.

(i) *General Frequency Table.*

ITU channel series	Band [1]				
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz
1	4180.2	6270.3	8360.4	12540.6	16720.8
2	4180.6	6270.9	8361.2	12541.8	16722.4
3	4181.0	6271.5	8362.0	12543.0	16724.0
4	4181.4	6272.1	8362.8	12544.2	16725.6
5	4181.8	6272.7	8363.6	12545.4	16727.2
6	4182.2	6273.3	8364.4	12546.6	16728.8
7	4182.6	6273.9	8365.2	12547.8	16730.4
8	4183.0	6274.5	8366.0	12549.0	16732.0
9	4183.4	6275.1	8366.8	12550.2	16733.6
10	4183.8	6275.7	8367.6	12551.4	16735.2
11	4184.2	6276.3	8368.4	12552.6	16736.8
12	4184.6	6276.9	8369.2	12553.8	16738.4
13	4185.0	6277.5	8370.0	12555.0	16740.0
14	4185.4	6278.1	8370.8	12556.2	16741.6
15	4185.8	6278.7	8371.6	12557.4	16743.2
16	4186.2	6279.3	8372.4	12558.6	16744.8
17	4186.6	6279.9	8373.2	12559.8	16746.4
18	4187.0	6280.5	8374.0	12561.0	16748.0

[1] All frequencies in kHz.

ITU channel series	Band [1]
	22 MHz
1	22228.0
2	22230.0
3	22232.0
4	22234.0
5	22236.0
6	22238.0
7	22240.0
8	22242.0
9	22244.0
10	22246.0

[1] All frequencies in kHz.

ITU channel designation	Band [1]
	25 MHz
A	25071.0
C	25073.0
B	25075.0

[1] All frequencies in kHz.

(ii) *World-Wide Families.*

Family 5		Family 6	
Frequency (kHz) [1]	ITU series/ designator	Frequency (kHz) [1]	ITU series/ designator
4181.8	5	4182.2	6
6272.7	5	6273.3	6
8363.6	5	8364.4	6
12545.4	5	12546.6	6
16727.2	5	16728.8	6
22232.0	3	22234.0	4
25073.0	C	25073.0	C

(iii) *East Coast Families.*

Family 1		Family 2	
Frequency (kHz)	ITU series/ designator	Frequency (kHz)	ITU series/ designator
4180.2	1	4180.6	2
6270.3	1	6270.9	2
8360.4	1	8361.2	2
12540.6	1	12541.8	2
16720.8	1	16722.4	2
22228.0	1	22228.0	1
22230.0	2	22230.0	2
25071.0	A	25071.0	A

Family 3		Family 4	
Frequency (kHz) [2]	ITU series/ designator	Frequency (kHz) [2]	ITU series/ designator
4181.0	3	4181.4	4
6271.5	3	6272.1	4
8362.0	3	8362.8	4
12543.0	3	12544.2	4
16724.0	3	16725.6	4
22228.0	1	22228.0	1
		22230.0	2
25071.0	A	25071.0	A

(iv) *Gulf Coast, Puerto Rico, and Virgin Island Families.*

Family 7		Family 8	
Frequency (kHz)	ITU series/ designator	Frequency (kHz)	ITU series/ designator
4182.6	7	4183.0	8
6273.9	7	6274.5	8
8365.2	7	8366.0	8
12547.8	7	12549.0	8
16730.4	7	16732.0	8
22236.0	5	22238.0	5
22238.0	6	22238.0	6
25071.0	A	25071.0	A

Family 9		Family 10	
Frequency (kHz) [3]	ITU series/ designator	Frequency (kHz)	ITU series/ designator
4183.4	9	4183.8	10
6275.1	9	6275.7	10
8366.8	9	8367.6	10
12550.2	9	12551.4	10
16733.6	9	16735.2	10
22236.0	5	22236.0	5
		22238.0	6
25071.0	A	25071.0	A

(v) *West Coast, Guam, and Hawaii Families.*

Family 11		Family 12	
Frequency (kHz) [4]	ITU series/ designator	Frequency (kHz)	ITU series/ designator
4184.2	11	4184.6	12
6276.3	11	6276.9	12
8368.4	11	8369.2	12
12552.6	11	12553.8	12
16736.8	11	16738.4	12
		22240.0	7
22242.0	8	22242.0	8
25075.0	B	25075.0	B

Family 13		Family 14	
Frequency (kHz) [5]	ITU series/ designator	Frequency (kHz)	ITU series/ designator
4185.0	13	4185.4	14
6277.5	13	6278.1	14
8370.0	13	8370.8	14
12555.0	13	12556.2	14
16740.0	13	16741.6	14
22240.0	7	22240.0	7
		22242.0	8
25075.0	B	25075.0	B

(vi) *American Samoa Families.*

Family 15		Family 16	
Frequency (kHz)	ITU series/ designator	Frequency (kHz)	ITU series/ designator
4185.8	15	4186.2	16
6278.7	15	6279.3	16
8371.6	15	8372.4	16
12557.4	15	12558.6	16
16743.2	15	16744.8	16
22244.0	9	22244.0	9
22246.0	10	22246.0	10
25075.0	B	25075.0	B

Family 17		Family 18	
Frequency (kHz)	ITU series/ designator	Frequency (kHz)	ITU series/ designator
4186.6	17	4187.0	18
6279.9[6]	17	6280.5	18
8373.2[6]	17	8374.0	18
12559.8	17	12561.0	18
16746.4	17	16748.0	18
22244.0	9	22244.0	9
		22246.0	10
25075.0	B	25075.0	B

[1] Routinely guarded world-wide by all coast radiotelegraph stations.
[2] Routinely guarded by East Coast radiotelegraph stations.
[3] Routinely guarded by Gulf Coast radiotelegraph stations.
[4] Routinely guarded by West Coast and Pacific radiotelegraph stations.
[5] Routinely guarded by all West Coast radiotelegraph stations.
[6] Routinely guarded by American Samoa radiotelegraph stations.

(4) *Coast Station frequencies.* Coast stations may use any working carrier frequency for distress, safety and calling listed in § 80.357(b)(1) which is not identified with a specific use.

(d) *Frequencies in the VHF bands.* (1) Survival craft stations using 121.500 MHz may be assigned A3N emission for radiobeacon purposes.

(2) EPIRB stations may be assigned 121.500 MHz and 243.000 MHz using A3N emission or 156.750 MHz and 156.800 MHz using G3N emission to aid search and rescue operations. See Subpart V of this part.

§ 80.357 Working frequencies.

This section describes the working frequencies assignable to maritime stations for A1A or J2A radiotelegraphy.

(a) *Ship station frequencies*—(1) *Frequencies in the 100–160 kHz band.* The following table describes the working carrier frequencies in the 100–160 kHz band which are assignable to ship stations. A ship station may also transmit on a radiotelegraphy working channel of a coast station within the 100–160 kHz band when directed to do so by the coast station provided interference is not caused to any land, fixed, broadcast, or radiolocation station.

100–160 (kHz)
152
153
154
155
156
157
158

(2) *Frequencies in the 405–525 kHz band.* The following table describes the working carrier frequencies in the 405–525 kHz band which are assignable to ship stations. A ship station may transmit on a radiotelegraphy working channel of a coast station in the 415–490 kHz band when directed to do so by the coast station.

405–525 (kHz)
[1] 410
425
454
468
480
[2] 512
[3] 518

[1] The frequency 410 kHz may be used on a secondary basis for the transmission of radiodetermination information and for transmitting by radiotelegraph radiodetermination related messages to direction-finding stations.

[2] The frequency 512 kHz may be used as a supplementary calling frequency when 500 kHz is used for distress, safety and urgency communications. The use of the 512 kHz as a working frequency is prohibited in areas where it is used as a supplementary calling frequency when 500 kHz is used for distress, safety, and urgency communications.

[3] The frequency 518 kHz is a receive only frequency by ship stations. It is used by U.S. Coast Guard coast stations for NB-DP transmissions of meteorological and navigational warnings to ships.

(3) *Frequencies in the 2000–27500 kHz band.* The following table describes the working frequencies and Channel Series in the 2000–27500 kHz band which are assignable to ship stations. Two Channel Series will be assigned for routine use to each ship station. Frequencies from any other Channel Series may be used if the frequencies in the assigned Channel Series are not adequate for communications.

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Channel Series	Bands 1/						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W1	4188.5	6282.75	8377.0	12565.0	16754.0	22250.5	25091.5
(a)	.....	.....	.....	12566.0	16754.5	22251.0	.....
(b)	.....	.....	8377.5	.....	16755.0	.....	.....
(c)	.....	.....	.....	12566.5	16755.5	.....	.....
W2	4189.0..	6283.5..	8378.0..	12567.0	16756.0	22251.5	25092.0
(a)	.....	.....	.....	12567.5	16756.5	22252.0	.....
(b)	.....	.....	.8378.5..	.....	.16757.0.	.....	
(c)	.....	.....	.....	12568.0	16757.5	.....	.....
W3	4189.5	6284.25	8379.0	12568.5	16758.0	22252.5	25092.5
(a)	.....	.....	.....	12569.0	16758.5	22253.0	.....
(b)	.....	.....	8379.5	.....	16759.0	.....	.....
(c)	.....	.....	.....	12569.5	16759.5	.....	.....
W4	4190.0	6285.0	8380.0	12570.0	16760.0	22253.5	25093.0
(a)	.....	.....	.....	12570.5	16760.5	22254.0	.....
(b)	.....	.....	8380.5	.....	16761.0	.....	.....
(c)	.....	.....	.....	12571.0	16761.5	.....	.....
W5	4190.5	6285.75	8381.0	12571.5	16762.0	22254.5	25093.5
(a)	.....	.....	.....	12572.0	16762.5	22255.0	.....
(b)	.....	.....	.8381.5..	.....	16763.0	.....	.....
(c)	.....	.....	.....	12572.5	16763.5	.....	.....
W6	4191.0	6286.5	8382.0	12573.0	16764.0	22255.5	25094.0
(a)	.....	.....	.....	12573.5	16764.5	22256.0	.....
(b)	.....	.....	8382.5	.....	16765.0	.....	.....
(c)	.....	.....	.....	12574.0	16765.5	.....	.....
W7	4191.5	6287.25	8383.0	12574.5	16766.0	22256.5	25094.5
(a)	.....	.....	.....	12575.0	16766.5	22257.0	.....
(b)	.....	.....	8383.5	.....	16767.0	.....	.....
(c)	.....	.....	.....	12575.5	16767.5	.....	.....
W8	4192.0	6288.0	8384.0	12576.0	16768.0	22257.5	25095.0
(a)	.....	.....	.....	12576.5	16768.5	22258.0	.....
(b)	.....	.....	8384.5	.....	16769.0	.....	.....
(c)	.....	.....	.....	12577.0	16769.5	.....	.....
W9	4192.5	6288.75	8385.0	12577.5	16770.0	22258.5	25095.5
(a)	.....	.....	.....	12578.0	16770.5	22259.0	.....
(b)	.....	.....	8385.5	.....	16771.0	.....	.....
(c)	.....	.....	.....	12578.5	16771.5	.....	.....
W10	4193.0	6289.5	8386.0	12579.0	16772.0	22259.5	25096.0
(a)	.....	.....	.....	12579.5	16772.5	22260.0	.....
(b)	.....	.....	8386.5	.....	16773.0	.....	.....
(c)	.....	.....	.....	12580.0	16773.5	.....	.....
W11	4193.5	6290.25	8387.0	12580.5	16774.0	22260.5	25096.5
(a)	.....	.....	.....	12581.0	16774.5	22261.0	.....
(b)	.....	.....	8387.5	.....	16775.0	.....	.....
(c)	.....	.....	.....	12581.5	16775.5	.....	.....
W12	.4194.0..	.6291.0..	.8388.0..	12582.0	16776.0	.22261.5..	.25097.0..
(a)	.....	.....	.....	12582.5	16776.5	.22262.0..	.....
(b)	.....	.....	8388.5	.....	16777.0	.....	.....
(c)	.....	.....	.....	12583.0	16777.5	.....	.....

W13	4194.5	6291.75	8389.0	12583.5	16778.0	22262.5	25097.5
(a)				12584.0	16778.5	22263.0	
(b)			8389.5		16779.0		
(c)				12584.5	16779.5		
W14	4195.0	6292.5	8390.0	12585.0	16780.0	22263.5	25098.0
(a)				12585.5	16780.5	22264.0	
(b)			8390.5		16781.0		
(c)				12586.0	16781.5		
W15	4195.5	6293.25	8391.0	12586.5	16782.0	22264.5	25098.5
(a)				12587.0	16782.5	22265.0	
(b)			8391.5		16783.0		
(c)				12587.5	16783.5		
W16	4196.0	6294.0	8392.0	12588.0	16784.0	22265.5	25099.0
(a)				12588.5	16784.5	22266.0	
(b)			8392.5		16785.0		
(c)				12589.0	16785.5		
W17	4196.5	6294.75	8383.0	12589.5	16786.0	22266.5	25099.5
(a)				12590.0	16786.5	22267.0	
(b)			8393.5		16787.0		
(c)				12590.5	16787.5		
W18	4197.0	6295.5	8394.0	12591.0	16788.0	22267.5	25100.0
(a)				12591.5	16788.5	22268.0	
(b)			8394.5		16789.0		
(c)				12592.0	16789.5		
W19	4197.5	6296.25	8395.0	12592.5	16790.0	22268.5	25100.5
(a)				12593.0	16790.5	22269.0	
(b)			8395.5		16791.0		
(c)				12593.5	16791.5		
W20	4198.0	6297.0	8396.0	12594.0	16792.0	22269.5	25101.0
(a)				12594.5	16782.5	22270.0	
(b)			8396.5		16793.0		
(c)				12595.0	16793.5		
W21	4198.5	6297.75	8397.0	12595.5	16794.0	22270.5	25101.5
(a)				12596.0	16794.5	22271.0	
(b)			8397.5		16795.0		
(c)				12596.5	16795.5		
W22	4199.0	6298.5	8398.0	12597.0	16696.0	22271.5	25102.0
(a)				12597.5	16796.5	22272.0	
(b)			8398.5		16797.0		
(c)				12598.0	16797.5		
W23	4199.5	6299.25	8399.0	12598.5	16798.0	22272.5	25102.5
(a)				12599.0	16798.5	22273.0	
(b)			8399.5		16799.0		
(c)				12599.5	16799.5		
W24	4200.0	6300.0	8400.0	12600.0	16800.0	22273.5	25103.0
(a)				12600.5	16800.5	22274.0	
(b)			8400.5		16801.0		
(c)				12601.0	16801.5		
W25	4200.5	6300.75	8401.0	12601.5	16802.0	22274.5	25103.5
(a)				12602.0	16802.5	22275.0	
(b)			8401.5		16803.0		
(c)				12602.5	16803.5		

W26	4201.0	6301.5	8402.0	12603.0	16804.0	22275.5	25104.0
(a)	.....	.....	.....	12603.5	16804.5	22276.0	.....
(b)	.....	.....	8402.5	.....	16805.0	.....	.....
(c)	.....	.....	.....	12604.0	16805.5	.....	.....
W27	4201.5	6302.25	8403.0	12604.5	16806.0	22276.5	25104.5
(a)	.....	.....	.....	12605.0	16806.5	22277.0	.....
(b)	.....	.....	8403.5	.....	16807.0	.....	.....
(c)	.....	.....	.....	12605.5	16807.5	.....	.....
W28	4202.0	6303.0	8404.0	12606.0	16808.0	22277.5	25105.0
(a)	.....	.....	.....	12606.5	16808.5	22278.0	.....
(b)	.....	.....	8404.5	.....	16809.0	.....	.....
(c)	.....	.....	.....	12607.0	16809.5	.....	.....
W29	4202.5	6303.75	8405.0	12607.5	16810.0	22278.5	25105.5
(a)	.....	.....	.....	12608.0	16810.5	22279.0	.....
(b)	.....	.....	8405.5	.....	16811.0	.....	.....
(c)	.....	.....	.....	12608.5	16811.5	.....	.....
W30	4203.0	6304.5	8406.0	12609.0	16812.0	22279.5	25106.0
(a)	.....	.....	.....	12609.5	16812.5	22280.0	.....
(b)	.....	.....	8406.5	.....	16813.0	.....	.....
(c)	.....	.....	.....	12610.0	16813.5	.....	.....
W31	4203.5	6305.25	8407.0	12610.5	16814.0	22280.5	.25106.5..
(a)	.....	.....	.....	12611.0	16814.5	22281.0	.....
(b)	.....	.....	8407.5	.....	16815.0	.....	.....
(c)	.....	.....	.....	12611.5	16815.5	.....	.....
W32	4204.0	6306.0	8408.0	12612.0	16816.0	22281.0	.25107.0..
(a)	.....	.....	.....	12612.5	16816.5	22282.0	.....
(b)	.....	.....	8408.5	.....	16817.0	.....	.....
(c)	.....	.....	.....	12613.0	16817.5	.....	.....
W33	4204.5	6306.75	8409.0	12613.5	16818.0	22282.5	25107.5
(a)	.....	.....	.....	12614.0	16818.5	22283.0	.....
(b)	.....	.....	8409.5..	.....	16819.0	.....	.....
(c)	.....	.....	.....	12614.5	16819.5	.....	.....
W34	4205.0	6307.5	8410.0	12615.0	16820.0	22283.5	25108.0
(a)	.....	.....	.....	12615.5	16820.5	22284.0	.....
(b)	.....	.....	8410.5	.....	16821.0	.....	.....
(c)	.....	.....	.....	12616.0	16821.5	.....	.....
W35	4205.5	6308.25	8411.0	12616.5	16822.0	22284.5	25108.5
(a)	.....	.....	.....	12617.0	16822.5	22285.0	.....
(b)	.....	.....	8411.5	.....	16823.0	.....	.....
(c)	.....	.....	.....	12617.5	16823.5	.....	.....
W36	4206.0	6309.0	8412.0	12618.0	16824.0	22285.5	25091.5
(a)	.....	.....	.....	12618.5	16824.5	22286.0	.....
(b)	.....	.....	8412.5	.....	16825.0	.....	.....
(c)	.....	.....	.....	12619.0	16825.0	.....	.....
W37	4206.5	6309.75	8413.0	12619.5	16826.0	22286.5	25092.0
(a)	.....	.....	.....	12620.0	16826.5	22297.0	.....
(b)	.....	.....	8413.5	.....	16827.0	.....	.....
(c)	.....	.....	.....	12620.5	16827.5	.....	.....
W38	4207.0	6310.5	8414.0	12621.0	16828.0	22297.5	25092.5
(a)	.....	.....	.....	12621.5	16828.5	.....	.....
(b)	.....	.....	8414.5	.....	16829.0	22298.0	.....
(c)	.....	.....	.....	12622.0	16829.5	.....	.....

W39	4207.5	6311.25	8415.0	12622.5	16830.0	22298.5	25093.0
(a)	.....	.....	.....	12623.0	16830.5	22299.0	.....
(b)	.....	.....	8415.5	.....	16831.0	.....	.....
(c)	.....	.....	.....	12623.5	16831.5	.....	.....
W40	4208.0	6312.0	8416.0	12624.0	16832.0	22299.5	25093.5
(a)	.....	.....	.....	12624.5	16832.5	22300.0	.....
(b)	.....	.....	8416.5	.....	16833.0	.....	.....
(c)	.....	.....	.....	12625.0	16833.5	.....	.....
W41	4208.5	6312.75	8417.0	12625.5	16834.0	22300.5	25094.0
(a)	.....	.....	.....	12626.0	16834.5	22301.0	.....
(b)	.....	.....	8417.5	.....	16835.0	.....	.....
(c)	.....	.....	.....	12626.5	16835.5	.....	.....
W42	4209.0	6313.5	8418.0	12627.0	16836.0	22301.5	25094.5
(a)	.....	.....	.....	12627.5	16836.5	22302.0	.....
(b)	.....	.....	8418.5	.....	16837.0	.....	.....
(c)	.....	.....	.....	12628.0	16837.5	.....	.....
W43	4209.5	6314.25	8419.0	12628.5	16838.0	22302.5	25095.0
(a)	.....	.....	.....	12629.0	16838.5	22303.0	.....
(b)	.....	.....	8419.5	.....	16839.0	.....	.....
(c)	.....	.....	.....	12629.5	16839.5	.....	.....
W44	4210.0	6315.0	8420.0	12630.0	16840.0	22303.5	25095.5
(a)	.....	.....	.....	12630.5	16840.5	22304.0	.....
(b)	.....	.....	8420.5	.....	16841.0	.....	.....
(c)	.....	.....	.....	12631.0	16841.5	.....	.....
W45	4210.5	6315.75	8421.0	12631.5	16842.0	22304.5	25096.0
(a)	.....	.....	.....	12632.0	16842.5	22305.0	.....
(b)	.....	.....	8421.5	.....	16843.0	.....	.....
(c)	.....	.....	.....	12632.5	16843.5	.....	.....
W46	4211.0	6316.5	8422.0	12633.0	16844.0	22305.5	25096.5
(a)	.....	.....	.....	12633.5	16844.5	22306.0	.....
(b)	.....	.....	8422.5	.....	16845.0	.....	.....
(c)	.....	.....	.....	12634.0	16845.5	.....	.....
W47	4211.5	6317.25	8423.0	12634.5	16846.0	22306.5	25097.0
(a)	.....	.....	.....	12635.0	16846.5	22307.0	.....
(b)	.....	.....	8423.5	.....	16847.0	.....	.....
(c)	.....	.....	.....	12635.5	16847.5	.....	.....
W48	4212.0	6318.0	8424.0	12636.0	16848.0	22307.5	25097.5
(a)	.....	.....	.....	12636.5	16848.5	22308.0	.....
(b)	.....	.....	8424.5	.....	16849.0	.....	.....
(c)	.....	.....	.....	12637.0	16849.5	.....	.....
W49	4212.5	6318.75	8425.0	12637.5	16850.0	22308.5	25098.0
(a)	.....	.....	.....	12638.0	16850.5	22309.0	.....
(b)	.....	.....	8425.5	.....	16851.0	.....	.....
(c)	.....	.....	.....	12638.5	16851.5	.....	.....
W50	4213.0	6319.5	8426.0	12639.0	16852.0	22250.5	25098.5
(a)	.....	.....	.....	12639.5	16852.5	22251.0	.....
(b)	.....	.....	8426.5	.....	16853.0	.....	.....
(c)	.....	.....	.....	12640.0	16853.5	.....	.....
W51	4213.5	6320.25	8427.0	12640.5	16854.0	22251.5	25099.0
(a)	.....	.....	.....	12641.0	16854.5	22252.0	.....
(b)	.....	.....	8427.5	.....	16855.0	.....	.....
(c)	.....	.....	.....	12641.5	16855.5	.....	.....

W52	4214.0	6321.0	8428.0	12642.0	16856.0	22252.5	25099.5
(a)	.....	.....	.....	12642.5	16856.5	22253.0	.....
(b)	.....	.....	8428.5	.....	16857.0	.....	.....
(c)	.....	.....	.....	12643.0	16857.5	.....	.....
W53	4214.5	6321.75	8429.0	12643.5	16858.0	22253.5	25100.0
(a)	.....	.....	.....	12644.0	.....	22254.0	.....
(b)	.....	.....	8429.5	.....	.....	.....	.....
(c)	.....	.....	.....	12644.5	16719.0	.....	.....
W54	4215.0	6322.5	8430.0	12645.0	16707.0	22254.5	25100.5
(a)	.....	.....	.....	12645.5	16707.5	22255.0	.....
(b)	.....	.....	8430.5	12530.0	16708.0	.....	.....
(c)	.....	.....	.....	12646.0	16708.5	.....	.....
W55	4215.5	6323.25	8431.0	12646.5	16709.0	22255.5	25101.0
(a)	.....	.....	.....	12647.0	16709.5	22256.0	.....
(b)	.....	.....	8431.5	12530.5	16710.0	.....	.....
(c)	.....	.....	.....	12647.5	16710.5	.....	.....
W56	4216.0	6324.0	8432.0	12648.0	16711.0	22256.5	25101.5
(a)	.....	.....	.....	12648.5	16711.5	22257.0	.....
(b)	.....	.....	8432.5	12531.0	16712.0	.....	.....
(c)	.....	.....	.....	12649.0	16712.5	.....	.....
W57	4216.5	6324.75	8433.0	12649.5	16713.0	22257.5	25102.0
(a)	.....	.....	.....	12650.0	16713.5	22258.0	.....
(b)	.....	.....	8433.5	12531.5	16714.0	.....	.....
(c)	.....	.....	.....	12650.5	16714.5	.....	.....
W58	4217.0	.....	8434.0	12651.0	16715.0	22258.5	25102.5
(a)	.....	.....	.....	12532.0	16715.5	22259.0	.....
(b)	.....	.....	8434.5	12532.5	16715.5	.....	.....
(c)	.....	.....	.....	.....	16716.5	.....	.....
W59	4217.5	.....	8435.0	12528.0	16717.0	22259.5	25103.0
W60	4218.0	.....	8358.5	12528.5	16717.5	22260.0	25103.5
W61	4218.5	.....	8359.0	12529.0	16718.0	22260.5	25104.0
W62	4219.0	.....	8359.5	12529.5	16718.5	22261.0	25104.5

1/ All frequencies in this table are shown in kilohertz.

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(b) *Coast station frequencies*—(1) *Frequencies in the 100–27500 kHz band.* The following table describes the working carrier frequencies in the 100–27500 kHz band which are assignable to coast stations located in the designated geographical areas.

Area	Bands [1]								
	100–160 kHz	405–525 kHz	2 MHz	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz
Central Pacific	126.15	426.00	2037.5	4247.0	6348.0	8558.0	12695.5	17018.8	22425.0
		436.00	2045.0	4274.0	6365.5	8618.0	12808.5	17026.0	22479.0
	147.85	460.00	2061.5	4228.0	6477.5	8642.0	12844.5	17088.8	22515.0
		476.0			6488.0	8445.0	13002.0	16847.3	22557.0
		500.00					13033.5		
		512.00							
South Pacific		418.00	2049.5	4238.0	6355.0	8590.0	12691.0	17064.8	22413.0
		464.00	2055.5	4283.0	6463.5	8606.0	12912.0	17088.8	22467.0
		482.00				8642.0	12993.0	16880.9	
		500.00					13033.5		
		512.00							
Gulf of Mexico	153.00	410.00	2042.0	4256.0	6369.0	8473.0	12704.5	16018.8	22431.0
		420.00	2048.0	4274.0	6435.5	8550.0	12826.5	17117.6	22467.0
		434.00	2049.5	4310.0	6446.0	8570.0	12840.0	17170.4	22318.5
		438.00	2052.5	4322.0	6495.0	8666.0	13038.0	17172.4	
		478.00	2055.5			8445.0	13051.5	16871.3	
		484.00	2063.0			8453.0	12660.0		
		500.00							
		512.00							
Great Lakes		482.00		4316.0	6474.0	8534.0			
		500.00							
		512.00							
Hawaii		484.00	2052.5	4295.0	6407.5	8542.0	13029.0	16978.4	22509.0
		500.00							
		512.00							
Puerto Rico	153.00	486.00	2052.5	4244.0		8457.0	12700.0		
		500.00							
		512.00							
North Atlantic	112.85	418.00	2036.0	4238.0	6351.5	8502.0	12745.5	16933.2	22407.0
	124.05	436.00	2040.5	4268.0	6376.0	8514.0	12925.5	16968.8	22485.9
	130.35	442.00	2046.5	4331.0	6414.5	8586.0	12948.0	16973.6	22503.0
	132.10	460.00	2051.0	4343.0	6418.0	8610.0	12961.5	16997.6	22521.0
	134.55	472.00	2054.0	4346.0	6333.5	8630.0	12997.5	17021.6	22348.5
	137.00	476.00	2060.0		6337.0	8658.0	13020.0	17093.6	22366.5
		482.00			6344.0	8686.0	13024.5	16904.9	
	146.80	500.00					13033.5		
	147.50	512.00					13068.5		
Central Atlantic		428.00	2063.0	4346.0	6484.5	8502.0	12885.0		
		500.00							
		512.00							
South Atlantic	137.70	434.00	2039.0	4250.0	6389.6	8486.0	12952.5	16918.8	22431.0
		464.00	2043.5	4292.0	6407.5	8525.0	12970.5	17093.6	22503.0
		472.00	2051.0	4295.0	6411.0	8686.0	13011.0	17160.8	22318.5
		488.00	2057.0			8453.0	12660.0	17170.4	
		500.00						16861.7	
		512.00							
North Pacific		482.00	2058.5	4349.0	6411.0	8582.0	12907.5	17007.2	22599.0
		488.00	2063.0			8658.0	12916.5		
		500.00							
		512.00							
Alaska		416.00							
		436.00							
		452.00							
		472.00							
		512.00							

[1] All frequencies in this table are shown in kilohertz.

(2) *Conditions of use.* The following conditions are applicable to these frequencies:

(i) Frequencies in the 100–160 kHz band are assignable to coast stations for high seas communications only;

(ii) Frequencies above 5 MHz may be assigned primarily to stations serving the high seas and secondarily to stations serving inland waters of the United States including the Great Lakes, subject to showing of need and with the condition that interference will not be caused to any high seas coast station;

(iii) The frequency 410 kHz may be used on a secondary basis for the transmission of radiodetermination information and for transmitting by radiotelegraph radiodetermination messages to direction-finding stations; and

(iv) The frequency 512 kHz may be used as a supplementary calling frequency when 500 kHz is used for distress, urgency and safety communications. The use of the 512 kHz as a working frequency is prohibited in areas where 500 kHz is used for distress, urgency and safety communications.

§ 80.359 Frequencies for digital selective calling (DSC).

(a) *General purpose calling.* The following table describes the non-paired channels assignable to ship and coast stations for general purpose DSC using F1B or J2B emission.

Ship transmit [1]	Coast transmit [1]
4187.5	4357.0
6281.5	6506.0
8375.5	8718.5
12562.0	13100.0
12562.5	13100.5
16750.5	17232.0
16751.0	17232.5
22248.0	22595.0
22248.5	22595.5
156.525 MHz	156.525 MHz

[1] All frequencies in kHz unless otherwise indicated

(b) *Distress and safety calling.* The following table describes the non-paired frequencies assignable to ship and coast stations for DSC distress and safety calling. The provisions and procedures for distress and safety calling are

contained in CCIR Recommendation 541 as modified by § 80.103(c) of this part.

Non-paired channels.

Transmit and receive (kHz)
2187.5 kHz
4188.0 kHz
6282.0 kHz
8375.0 kHz
12563.0 kHz
16750.0 kHz
156.525 MHz

(c) *Working frequencies.* Coast and ship stations may use DSC techniques for general calling purposes on their assigned working frequencies in the 2000–27500 kHz band and on those frequencies in the 156–162 MHz band which are allocated for maritime control, commercial, non-commercial and public correspondence communications.

§ 80.361 Frequencies for narrow-band direct-printing (NB–DP) and data transmissions.

(a) The following table describes the frequency pairs and Channel Series which are assignable to ship and public coast stations for narrow-band direct printng (NB–DP) and data transmissions:

Paired channels.

Channel series	Band [1]											
	4 MHz		6 MHz		8 MHz		12 MHz		16 MHz		22 MHz	
	Coast transmit	Ship transmit	Coast transmit	Ship transmit	Coast transmit	Ship transmit	Coast transmit	Ship transmit	Coast transmit	Ship transmit	Coast transmit	Ship transmit
R1	4350.0	4170.5	6494.5	6258.5	8705.0	8344.0	13071.5	12491.5	17197.5	16660.5	22561.5	22192.5
R2	4350.5	4171.0	6495.0	6257.0	8705.5	8344.5	13072.0	12492.0	17198.0	16661.0	22562.0	22193.0
R3	4351.0	4171.5	6495.5	6257.5	8706.0	8345.0	13072.5	12492.5	17198.5	16661.5	22562.5	22193.5
R4	4351.5	4172.0	6496.0	6258.0	8706.5	8345.5	13073.0	12493.0	17199.0	16662.0	22563.0	22194.0
R5	4352.0	4172.5	6496.5	6258.5	8707.0	8346.0	13073.5	12493.5	17199.5	16662.5	22563.5	22194.5
R6	4352.5	4173.0	6497.0	6259.0	8707.5	8346.5	13074.0	12494.0	17200.0	16663.0	22564.0	22195.0
R7	4353.0	4173.5	6497.5	6259.5	8708.0	8347.0	13074.5	12494.5	17200.5	16663.5	22564.5	22195.5
R8	4353.5	4174.0	6498.0	6260.0	8708.5	8347.5	13075.0	12495.0	17201.0	16664.0	22565.0	22196.0
R9	4354.0	4174.5	6498.5	6260.5	8709.0	8348.0	13075.5	12495.5	17201.5	16664.5	22565.5	22196.5
R10	4354.5	4175.0	6499.0	6261.0	8709.5	8348.5	13076.0	12496.0	17202.0	16665.0	22566.0	22197.0
R11	4355.0	4175.5	6499.5	6261.5	8710.0	8349.0	13076.5	12496.5	17202.5	16665.5	22566.5	22197.5
R12	4355.5	4176.0	6500.0	6262.0	8710.5	8349.5	13077.0	12497.0	17203.0	16666.0	22567.0	22198.0
R13	4356.0	4176.5	6500.5	6262.5	8711.0	8350.0	13077.5	12497.5	17203.5	16666.5	22567.5	22198.5
R14	4356.5	4177.0	6501.0	6263.0	8711.5	8350.5	13078.0	12498.0	17204.0	16667.0	22568.0	22199.0
R15			6501.5	6263.5	8712.0	8351.0	13078.5	12498.5	17204.5	16667.5	22568.5	22199.5
R16			6502.0	6264.0	8712.5	8351.5	13079.0	12499.0	17205.0	16668.0	22569.0	22200.0
R17			6502.5	6264.5	8713.0	8352.0	13079.5	12499.5	17205.5	16668.5	22569.5	22200.5
R18			6503.0	6265.0	8713.5	8352.5	13080.0	12500.0	17206.0	16669.0	22570.0	22201.0
R19			6503.5	6265.5	8714.0	8353.0	13080.5	12500.5	17206.5	16669.5	22570.5	22201.5
R20			6504.0	6266.0	8714.5	8353.5	13081.0	12501.0	17207.0	16670.0	22571.0	22202.0
R21			6504.5	6266.5	8715.0	8354.0	13081.5	12501.5	17207.5	16670.5	22571.5	22202.5
R22			6505.0	6267.0	8715.5	8354.5	13082.0	12502.0	17208.0	16671.0	22572.0	22203.0
R23			6505.5	6267.5	8716.0	8355.0	13082.5	12502.5	17208.5	16671.5	22572.5	22203.5
R24					8716.5	8355.5	13083.0	12503.0	17209.0	16672.0	22573.0	22204.0
R25					8717.0	8356.0	13083.5	12503.5	17209.5	16672.5	22573.5	22204.5
R26					8717.5	8356.5	13084.0	12504.0	17210.0	16673.0	22574.0	22205.0
R27					8718.0	8357.0	13084.5	12504.5	17210.5	16673.5	22574.5	22205.5
R28							13085.0	12505.0	17211.0	16674.0	22575.0	22206.0
R29							13085.5	12505.5	17211.5	16674.5	22575.5	22206.5
R30							13086.0	12506.0	17212.0	16675.0	22576.0	22207.0
R31							13086.5	12506.5	17212.5	16675.5	22576.5	22207.5
R32							13087.0	12507.0	17213.0	16676.0	22577.0	22208.0
R33							13087.5	12507.5	17213.5	16676.5	22577.5	22208.5
R34							13088.0	12508.0	17214.0	16677.0	22578.0	22209.0
R35							13088.5	12508.5	17214.5	16677.5	22578.5	22209.5
R36							13089.0	12509.0	17215.0	16678.0	22579.0	22210.0
R37							13089.5	12509.5	17215.5	16678.5	22579.5	22210.5
R38							13090.0	12510.0	17216.0	16679.0	22580.0	22211.0
R39							13090.5	12510.5	17216.5	16679.5	22580.5	22211.5
R40							13091.0	12511.0	17217.0	16680.0	22581.0	22212.0
R41							13091.5	12511.5	17217.5	16680.5	22581.5	22212.5
R42							13092.0	12512.0	17218.0	16681.0	22582.0	22213.0
R43							13092.5	12512.5	17218.5	16681.5	22582.5	22213.5
R44							13093.0	12513.0	17219.0	16682.0	22583.0	22214.0
R45							13093.5	12513.5	17219.5	16682.5	22583.5	22214.5
R46							13094.0	12514.0	17220.0	16683.0	22584.0	22215.0
R47							13094.5	12514.5	17220.5	16683.5	22584.5	22215.5
R48							13095.0	12515.0	17221.0	16684.0	22585.0	22216.0
R49							13095.5	12515.5	17221.5	16684.5	22585.5	22216.5
R50							13096.0	12516.0	17222.0	16685.0	22586.0	22217.0
R51							13096.5	12516.5	17222.5	16685.5	22586.5	22217.5
R52							13097.0	12517.0	17223.0	16686.0	22587.0	22218.0
R53							13097.5	12517.5	17223.5	16686.5	22587.5	22218.5
R54							13098.0	12518.0	17224.0	16687.0	22588.0	22219.0
R55							13098.5	12518.5	17224.5	16687.5	22588.5	22219.5
R56							13099.0	12519.0	17225.0	16688.0	22589.0	22220.0
R57							13099.5	12519.5	17225.5	16688.5	22589.5	22220.5
R58									17226.0	16689.0	22590.0	22221.0
R59									17226.5	16689.5	22590.5	22221.5
R60									17227.0	16690.0	22591.0	22222.0
R61									17227.5	16690.5	22591.5	22222.5
R62									17228.0	16691.0	22592.0	22223.0
R63									17228.5	16691.5	22592.5	22223.5
R64									17229.0	16692.0	22593.0	22224.0
R65									17229.5	16692.5	22593.5	22224.5
R66									17230.0	16693.0	22594.0	22225.0
R67									17230.5	16693.5	22594.5	22225.5
R68									17231.0	16694.0		
R69									17231.5	16694.5		

[1] All frequencies in this table are shown in kilohertz.

(b) The following table describes the frequencies and Channel Series with F1B or J2B emission which are assignable to ship stations for NB-DP and data transmission communications with public coast stations. Public coast stations may receive only on these frequencies:

Non-paired channels.

Channel series	Band [1]						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
P1	[2] 4177.5	[2] 6268.0	8297.6	[2] 12520.0	[2] 16695.0	22226.0	25076.3
P2	4178.0	6268.5	8298.1	12520.5	16695.5	22226.5	25076.8
P3	4178.5	6269.0	8298.6	12521.0	16696.0		25077.3
P4	4179.0	6269.5	8299.1	12521.5	16696.5		25077.8
P5	4179.5		8299.6	12522.0	16697.0		25078.3
P6			[2] 8357.5	12522.5	16697.5		25078.8
P7				12523.0	16698.0		25079.3
P8				12523.5	16698.5		25079.8
P9				12524.0	16699.0		25080.3
P10				12524.5	16699.5		25080.8
P11				12525.0	16700.0		25081.3
P12				12525.5	16700.5		25081.8
P13				12526.0	16701.0		25082.3
P14				12526.5	16701.5		25082.8
P15				16702.0			25083.3
P16				16702.5			25083.8
P17				16703.0			25084.3
P18				16703.5			25084.8
P19				16704.0			25085.3
P20				16704.5			25085.8
P21				16705.0			25086.3
P22				16705.5			25086.8
P23							25087.3
P24							25087.8
P25							25088.3
P26							25088.8
P27							25089.3
P28							25089.8

[1] All frequencies in this table are shown in kilohertz.
[2] These frequencies and the frequency 2174.5 kHz are available only for distress and safety communications using NB-DP.

§ 80.363 Frequencies for facsimile.

The non-paired frequencies with FIC, F3C, J2C or J3C emission which are assignable to ship and coast stations for facsimile are as follows:

(a) *Ship station frequencies.* The following table describes two Channel Series of frequencies which are assignable to ship stations for facsimile. Only one Channel Series will be assigned to a ship station.

Carrier frequency (kHz)	
Series No. 1	Series No. 2
2069.1	2075.1
4159.2	4166.6
6327.2	6241.2
8324.6	8340.1
12483.6	12487.6
16652.6	16656.6
22184.6	22188.6

(b) *Coast station frequencies.* Frequencies in the 2000–2700 kHz bands listed in Part 2 of the Commission's rules as available for shared use by the maritime mobile service and other radio services are assignable to coast stations for facsimile.

Radiotelephony

§ 80.365 Scope.

The following sections describe the carrier frequencies and general conditions of use for the following types of radiotelephony:

—Distress, urgency, safety, call and reply.
—Working.
—Public.
—Private.

§ 80.367 General uses—radiotelephony.

(a) Ship stations communicating with foreign coast stations may operate on any frequency designated by that coast station.

(b) Radiotelephony stations communicating with a Government station may transmit on a Government frequency when authorized to do so by the Government station or agency if the emission, bandwidth and frequency tolerance of the maritime station are within the same limits as the Government station.

(c) Frequencies assigned to Government radio stations are assignable to non-Government maritime stations for radiotelephony communications with other non-Government stations in connection with activities performed in coordination with or on behalf of the Government.

(d) Frequencies in the 2000–27500 kHz band will be authorized only to ship stations that in addition are authorized to use frequencies in the 156–162 MHz band.

(e) Frequencies in the 2000–2850 kHz band will be authorized to private coast stations that in addition are authorized to use frequencies in the 156–162 MHz band.

(f) Ship and coast stations authorized to use frequencies in both the 2000–27500 kHz and 156–162 MHz bands must not use frequencies in the 2000–27500 kHz band for communications with any other station which is within the VHF service range.

(g) Coast and ship station radiotelephone working frequencies are available for DSC general purpose calling under the provisions of Section § 80.207(a).

(h) Digital selective calling techniques are not authorized on the frequencies 2182 kHz or 156.800 MHz.

§ 80.369 Distress, urgency, safety, call and reply frequencies.

This section describes the general uses and frequencies assignable to maritime stations for distress, urgency, safety, call and reply radiotelephony communications.

(a) In the 1605–3500 kHz band the frequency 2182 kHz is the international radiotelephony distress, urgency and safety frequency for ship, public and private coast stations and survival craft. It is also used for call and reply by ship stations on a primary basis and by public coast stations on a secondary basis. Ship, public and private coast, and survival craft stations must use J3E emission when operating on 2182 kHz. They may use H3E emission for communications with foreign coast and ship stations. Portable survival craft stations capable of operating on 500 kHz and transmitters authorized for use prior to January 1, 1972 may use A3E emission on 2182 kHz. See § 80.203(c).

(b) The frequencies 4125.0 kHz, 6215.5 kHz, 8257.0 kHz, 12392.0 kHz and 16.522.0 kHz may be used by coast and ship stations on a simplex basis for distress and safety communications. The frequency 4125.0 kHz may also be used for distress and safety communications between aircraft and maritime mobile stations.

(c) The frequency 5167.5 kHz may be used by any station for emergency communications in the State of Alaska. Peak envelope power of stations operating on this frequency must not exceed 150 watts. This frequency may also be used for calling and listening by stations authorized in the State of Alaska, but only for establishing communication.

(d) In the 4000–27500 kHz band ship and public coast stations may use the following frequency pairs for call and reply communications:

Call and reply frequency pairs in the 4000–27500 kHz band

Channel No.	Carrier frequency (kHz)	
	Ship transmit	Coast transmit
0821	8257.0	8780.9
1221	12392.0	13162.8
1621	16522.0	17294.9
2221	22062.0	22658.0

(e) In the 120–156 MHz band the following frequencies are used as indicated:

(1) The frequencies 121.500 MHz and 123.100 MHz using A3E emission are available for scene of action search and rescue operations to ship, coast and aircraft stations. Communications in support of search and rescue operations must employ the frequency 121.500 MHz only when communications on 123.100 MHz or other VHF frequencies is not practicable. Ship, coast and aircraft stations engaged in such communications on 121.500 MHz must shift to 123.100 MHz as soon as possible.

(2) The frequency 156.525 MHz is available for intership, ship and coast general purpose, distress and safety DSC calls.

(3) The frequency 156.800 MHz is the international radiotelephone distress, urgency, safety, call and reply frequency for ship, public and private coast stations. Stations operating on 156.800 MHz must be able to transmit and receive using G3E emission.

§ 80.371 Public correspondence frequencies.

This section describes the radiotelephony working frequencies assignable to ship and public coast stations.

(a) *Working frequencies in the 2000–4000 kHz band.* The following table describes the working carrier frequency pairs in the 2000–4000 kHz band.

Working frequency pairs in the 2000–4000 kHz band

Region	Carrier frequency (kHz)	
	Ship transmit	Coast transmit
East Coast:	2031.5	2490.0
	2118.0	[1] 2514.0
	2126.0	2522.0
	2142.0	2538.0
	2166.0	2558.0
	2198.0	2590.0
	2366.0	2450.0
	2382.0	2482.0
	2390.0	2566.0
	2400.0	2400.0
	2406.0	2442.0
West Coat:	2003.0	2450.0
	2009.0	2442.0
	2009.0	2566.0
	2031.5	2566.0
	2126.0	2522.0
	2206.0	2598.0
	2382.0	2466.0
	2406.0	2506.0
	2430.0	2482.0
Gulf Coast:	2009.0	2466.0
	2134.0	2530.0
	2142.0	2538.0
	[1] 2158.0	[1] 2550.0
	2166.0	2558.0
	2206.0	2598.0
	2366.0	2450.0
	2382.0	2482.0
	2430.0	2572.0
	2458.0	2506.0

Working frequency pairs in the 2000–4000 kHz band

Region	Carrier frequency (kHz)	
	Ship transmit	Coast transmit
Great Lakes [2]:	2118.0	2514.0
	2158.0	2550.0
	2206.0	2582.0
Alaska:	2131.0	2309.0
	2134.0	2312.0
	2237.0	2397.0
	2240.0	2400.0
Hawaii	2134.0	2530.0
Caribbean:	2009.0	2506.0
	[3] 2086.0	2585.0
	2134.0	2530.0
Guam	2009.0	2506.0

[1] Unlimited hours of use from December 15 to April 1 and day only from April 1 to December 15. Harmful interference must not be caused to any ship station in the Great Lakes region.

[2] In the Great Lakes region 2206 kHz is not available for transmission to U.S. ships except in the case of distress. U.S. coast stations in the Great Lakes area may use 2514, 2550 and 2582 kHz on a shared basis with coast stations of Canada. Except in the case of distress, the frequency 2550 kHz must not be used for transmission to ship stations of Canada since the associated ship station transmit frequency 2158 kHz is not available to Canadian ship stations for transmission and 2582 kHz must not be used for public correspondence transmissions to U.S. ship stations since the associated ship transmit frequency 2206 kHz is not available to U.S. ship stations for transmissions except in the case of distress.

[3] Limited to a peak envelope power of 150 watts.

(b) *Working frequencies in the 4000–27500 kHz band.* The following table describes the working carrier frequency pairs in the 4000–27500 kHz band:

Working carrier frequency pairs in the 4000–27500 kHz band

Region	Channel designation	Carrier frequency (kHz)	
		Ship transmit	Coast transmit
East Coast:	403	4069.2	4363.6
	410	4090.9	4385.3
	411	4094.0	4388.4
	412	4097.1	4391.5
	416	4109.5	4403.9
	417	4112.6	4407.0
	422	4128.1	4422.5
	423	4131.2	4425.6
	802	8198.1	8722.0
	805	8207.4	8731.3
	808	8216.7	8740.6
	810	8222.9	8746.8
	811	8226.0	8749.9
	814	8235.3	8759.2
	815	8238.4	8762.3
	825	8269.4	8793.3
	826	8272.5	8796.4
	831	8288.0	8811.9
	1203	12336.2	13107.0
	1206	12345.5	13116.3
	1208	12351.7	13122.5
	1209	12354.8	13125.6
	1210	12357.9	13128.7
	1211	12361.0	13131.8
	1215	12373.4	13144.2
	1222	12359.1	13165.9
	1223	12398.2	13169.0
	1228	12413.7	13184.5
	1230	12419.9	13190.7
	1601	16460.0	17232.9
	1605	16472.4	17245.3
	1609	16484.8	17257.7
	1610	16487.9	17260.8
	1611	16491.0	17263.9
	1616	16506.5	17279.4
	1620	16518.9	17291.8
	1626	16537.5	17310.4
	1631	16553.0	17325.9
	2201	22000.0	22596.0
	2205	22012.4	22608.4
	2210	22027.9	22623.9
	2215	22043.4	22639.4
	2216	22046.5	22642.5
	2222	22065.1	22661.1
	2236	22108.5	22704.5
West Coast:	401	4063.0	4357.4
	416	4109.5	4403.9
	417	4112.6	4407.0

Working carrier frequency pairs in the 4000-27500 kHz band

Region	Channel designation	Carrier frequency (kHz)	
		Ship transmit	Coast transmit
	804	8204.3	8728.2
	809	8219.8	8743.7
	814	8235.3	8759.2
	822	8260.1	8784.0
	1201	12330.0	13100.8
	1202	12333.1	13103.9
	1203	12336.2	13107.0
	1229	12416.8	13187.6
	1230	12419.9	13190.7
	1602	16463.1	17236.0
	1603	16466.2	17239.1
	1616	16506.5	17279.4
	1624	16531.3	17304.2
	2214	22040.3	22636.3
	2223	22068.2	22664.2
	2228	22083.7	22679.7
	2236	22108.5	22704.5
Gulf Coast:	404	4072.3	4366.7
	405	4075.4	4369.8
	414	4103.3	4397.7
	419	4118.3	4413.2
	824	8266.3	8790.2
	829	8281.8	8805.7
	830	8284.9	8808.8
	1212	12364.1	13134.9
	1225	12404.4	13175.2
	1226	12407.5	13178.3
	1607	16478.6	17251.5
	1632	16556.1	17329.0
	1641	16584.0	17356.9
	2227	22080.6	22676.6
	2231	22093.0	22689.0
	2237	22111.6	22707.6
Great Lakes:	405	4075.4	4369.8
	409	4087.8	4382.2
	418	4115.7	4410.1
	826	8272.5	8796.4
Hawaii:	418	4115.7	4410.1
	808	8216.7	8740.6
	1222	12395.1	13165.9
	1601	16460.0	17232.9
Caribbean:	604	6209.3	6515.7
	605	6212.4	6518.8
	1602	16463.1	17236.0
	1603	16466.2	17239.1
	2223	22068.2	22664.2

(c) *Working frequencies in the 156–162 MHz band.* The following describes the working carrier frequency pairs in the 156–162 MHz band. No duplication of service areas is permitted on the same public coast station channel. Within the service area of a station, the ratio of desired to undesired co-channel signal strengths on public coast station channels must be at least 12 dB. Initial grants will be limited to one working frequency. An additional frequency may be assigned when the assigned working frequency is also used by a foreign station near enough to result in harmful radio interference by simultaneous operation or when the channel occupancy of the assigned frequency or frequencies exceeds 40 percent during its busiest hours of operation. An application for assignment of an additional working frequency based on channel occupancy must be accompanied by a factual showing that for any 4 days within a 10-consecutive-day period of station operation in each of 2 months immediately prior to the filing of the application, the assigned frequency or frequencies was in average daily use for exchanging communications at least 40 percent of the 3 busiest hours of each day, of which not more than half of the use time was waiting or setup time.

Working Carrier Frequency Pairs in the 156–162 MHz Band [1]

Channel designator	Carrier frequency (MHz)	
	Ship transmit	Coast transmit
24	157.200	161.800
84	157.225	161.825
25	157.250	161.850
85[2]	157.275	161.875
26	157.300	161.900
86	157.325	161.925
27	157.350	161.950
87	157.375	161.975
28	157.400	162.000
88[3]	157.425	162.025

[1] For special assignment of frequencies in this band in certain areas of Washington State, the Great Lakes and the east coast of the United States pursuant to arrangements between the United States and Canada, see Subpart B of this part.

[2] The frequency pair 157.275/161.875 MHz is available for assignment on a primary basis to ship and public coast stations. In Alaska it is also available on a secondary basis to private mobile repeater stations.

[3] Within 75 miles of the United States/Canada border, in the area of the Puget Sound and the Strait of Juan de Fuca and its approaches, the frequency 157.925 MHz is available for use by ship stations for public correspondence communications only. Seventy five miles from the United States/Canada border 157.425 MHz is available for intership and commerical communications. Outside the Puget Sound area and its approaches and the Great Lakes, 157.425 MHz is available for communications between commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

(d) *Working frequencies in the Mississippi River System.* The Mississippi River System includes the Mississippi River and connecting navigable waters other than the Great Lakes. The following table describes the working carrier frequencies below 27500 kHz fr simplex radiotelephony communications on the Mississippi River System:

Mississippi River System Working Frequencies

Carrier frequency (kHz)		
[1] 2086.0	6209.3	8725.1
2782.0	6212.4	8737.5
4063.0	6515.7	12333.1
4087.8	6518.8	13103.9
4115.7	8201.2	16518.9
[2] 4410.1	8213.6	17291.8

[1] Limited to a maximum transmitter output power of 150 watts (PEP)

[2] J3E emission only.

(e) *Canda/U.S.A. channeling arrangement frequencies.* The VHF frequencies assignable to ship and coast stations in the State of washington and their usage limitations purusant to the Canada/U.S.A. channeling arrangement are described in Supart B of this Part.

§ 80.373 Private communications frequencies.

This section describes the carrier frequencies assignable for ship-to-ship and ship-to-coast private communications.

(a) *Special requirements for private coast stations.* Assignment to private coast stations of radiotelephony frequencies in the 2000–27500 kHz band are subject to the following:

(1) Private coast stations must see J3E emission.

(2) On 2182 kHz, private coast stations must be capable of receiving J3E and H3E emissions.

(3) Except in the Mississippi River System and Great Lakes, private coast stations serving lakes or rivers are not authorized on the 2000–2850 kHz band.

(4) Private coast stations may use DSC for calling on their assigned frequencies in the 2000–27500 kHz band and on those frequencies in the 156–162 MHz band which are allocated for maritime control, commercial and non-commercial communications.

(b) *Frequencies in the 2000–27500 kHz band for intership safety and other communications.* This paragraph describes the geographic areas of operation and the frequencies and liminations in the band available for assignment for intership safety and operational simplex radiotelephone communications.

(1) *Frequencies avaiable.*

Carrier frequency (kHz)	Geographic area
2003.0	Great Lakes only.
2082.5 [1, 2]	All areas.
2093.0 [1]	All areas.
2142.0	Pacific coast areas south of 42 degrees north on a day basis only.
2203.0 [2]	Gulf of Mexico.
2214.0 [1]	All areas.
2638.0 [1]	All areas.
2670.0	All areas.
2738.0 [1]	All areas except the Great Lakes.
2830.0	Gulf of Mexico only.

[1] Limited to a peak envelope power of 150 watts.
[2] Available on a secondary basis for intership communications by ships involved in non-commercial fishing.

(2) Except for 2093.0 kHz and 2214.0 kHz the frequencies shown in paragraph (b)(1) of this section are authorized primarily for intership safety communications in the indicated geographic area.

(3) Except for the frequencies 2093.0 kHz, 2214.0 Khz and 2670.0 kHz the frequencies shown in paragraph (b)(1) of this section may be used on a non-interference basis to safety communications, for operational communications and in the case of commercial transport ships and ships of municipal and state governments, for business communications.

(4) Ship stations may communicate with government coast stations on 2003.0 kHz about passage of vessels. Interference must not be caused to communications on the St. Lawrence Seaway and on the St. Mary's River.

(5) Ship stations may use 2670.0 kHz for communications with coast and ship stations of the U.S. Coast Guard. When a ship is not equipped to transmit on 2670.0 kHz or in the band 156–162 MHz the frequency 2003.0 kHz may be used on the Great Lakes for communications must not cause harmful interference to intership safety, operational and business communications.

(6) Navigational communications between ships and private coast stations may be exchanged on 2738.0 kHz and 2830.0 kHz. The frequencies 2214.0 kHz2738.0 kHz and 2830.0 kHz are assignable to private coast stations upon a showing that they need to communicate with commercial transport or Government ships. Private coast station applicants must show that public coast stations do not provide the required communications and harmful interference will not be caused to the intership use of these frequencies. The transmitter power must not exceed 150 watts. If 2214.0 kHz is authorized for ships, intership communication is also authorized. The geographic limitations to the frequencies 2738.0 kHz and 2830.0 kHz do not prohibit intership communication of less than 200 statute miles when only one of the ship stations is within a permitted use geographic area.

(7) Private aircraft stations may communicate with ship stations on 2738.0 kHz and 2830.0 kHz if:

(i) The communications are limited to business or operational needs of the vessel while it is engaged in commercial fishing activities in the open sea or adjacent waters;

(ii) Harmful interference must not be caused to intership communications;

(iii) The maximum output power used for such communication must not exceed 25 watts;

(c) *Frequencies in the 2000–27500 kHz bands for business and operational communications.* (1) The following table describes the frequencies available in the 2000–27500 kHz bands for business and operational radiotelephone simplex communications between ship and private coast stations or between ship stations:

Business and Operational Frequencies in the 2000–27500 kHz Band

Carrier frequency (kHz)			
2065.0 [1]	4419.4	8294.2	16593.3
2079.0 [1]	5680.0	12429.2	22124.0
2096.5 [1]	6218.6	12432.3	22127.1
3023.0	6221.6	12435.4	22130.2
4125.0 [2]	6521.9	16587.1	22133.3
4143.6	8291.1	16590.2	22136.4

[1] Limited to peak envelope power of 150 watts.
[2] Available domestically for distress and safety and internationally for calling purposes.

(2) Assignment of these frequencies is subject to the following limitations:

(i) These frequencies are shared and are not available for the exclusive use of any station. No more than one frequency from each of the frequency bands will be authorized to a private station without justification;

(ii) The emissions must be J3E except that when DSC is used the emission must be F1B or J2B;

(iii) Maximum transmitter output power is limited to 1 kW except as noted;

(iv) Authorization of the frequencies 2065.0 kHz and 2079.0 kHz must be coordinated with Canada;

(v) Ship, aircraft and private coast stations licensed to state and local governments may be authorized 3023.0 kHz and 5680.0 kHz for search and rescue scene of action coordination.

(d) *Radioprinter frequencies.* (1) The following table describes the bands available for radioprinter simplex communications between ship and private coast stations:

Frequency bands (kHz)	
2107–2170	4750–4850
2194–2495	5060–5450
2505–2850	5730–5950
3155–3400	7300–8100
4438–4650	7300–8100

(2) Ship stations may conduct radioprinter communications with private coast stations on frequencies within these bands which are assigned to their associated private coast stations;

(3) Any alphanumeric code may be used; and

(4) The bandwidth of radioprinter communications on frequencies within these bands must not exceed 300 Hz.

(e) *Frequencies in the 2000–27500 kHz band for medical advisory communications.* (1) Private coast stations may be authorized to use any frequencies within the 2030–27500 kHz band that are allocated to Government and non-Government fixed or fixed and mobile radio services shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter for communications with ship stations to provide medical treatment information or advice. Assignment of these frequencies is subject to the following limitations:

(2) No protection is provided from harmful interference caused by foreign stations; and

(3) A private coast station must cease operations on a frequency that causes harmful interference to a foreign station.

(f) *Frequencies in the 156–162 MHz band.* The following tables describe the carrier frequencies available in the 156–162 MHz band for radiotelephone communications between ship and private coast stations:

Frequencies in the 156–162 MHz band

Channel designator	Carrier frequency (MHz)		Points of communication (Intership and between coast and ship unless otherwise indicated)
	Ship transmit	Coast transmit	
Port Operations			
01 [1]	156.050	156.050	
63 [1]	156.175	156.175	
05 [2]	156.250	156.250	
65	156.275	156.275	
66	156.325	156.325	
12 [3]	156.600	156.600	
73	156.675	156.675	
14 [3]	156.700	156.700	
74	156.725	156.725	
77 [4]	156.875		Intership only.
20 [12]	157.000	161.600	
Navigational (Bridge-to-Bridge)[5]			
13 [6]	156.650	156.650	
67 [7]	156.375	156.375	
Commercial			
01 [1]	156.050	156.050	
63 [1]	156.175	156.175	

Frequencies in the 156–162 MHz band			
Channel designator	Carrier frequency (MHz)		Points of communication (Intership and between coast and ship unless otherwise indicated)
	Ship transmit	Coast transmit	
07	156.350	156.350	
67 [1]	156.375	.....	Intership only.
08	156.400	.....	Do.
09	156.450	156.450	
10	156.500	156.500	
11 [3]	156.550	156.550	
18	156.900	156.900	
19	156.950	156.950	
79	156.975	156.975	
80	157.025	157.025	
88 [6]	157.425	.....	Intership only.
Digital Selective Calling			
70	156.525	156.525	
Noncommercial			
68	156.425	156.425	
09	156.450	156.450	
69	156.475	156.475	
71	156.575	156.575	
72	156.625	.....	Intership only.
78	156.925	156.925	
Intership Safety			
06	156.300	.....	a. Intership, or b. For SAR: Ship and aircraft for the U.S. Coast Guard.
Environmental			
15	.....	156.750	Coast to ship only.
Maritime Control			
17 [9, 10]	156.850	156.850	Intership and ship to coast/coast to ship.
Liaison, U.S. Coast Guard			
22 [11]	157.100	157.100	Ship, aircraft, and coast stations of the U.S. Coast Guard and at Lake Mead, Nev., ship and coast stations of the National Park Service, U.S. Department of the Interior.

[1] 156.050 MHz and 156.175 MHz are available for port operations and commercial communications purposes when used only within the U.S. Coast Guard designated Vessel Traffic Services (VTS) area of New Orleans, on the lower Mississippi River from the various pass entrances in the Gulf of Mexico to Devil's Swamp Light at River Mile 242.4 above head of passes near Baton Rouge.

[2] 156.250 MHz is available for port operations communications use within the U.S. Coast Guard designated VTS radio protection areas of New Orleans and Houston described in § 80.383.

[3] 156.550 MHz, 156.600 MHz and 156.700 MHz are available in U.S. Coast Guard designated port areas only for VTS communications and in the Great Lakes available primarily for the Ship Movement Service (SMS) in sectors designated by the St. Lawrence Seaway Development Corporation or the U.S. Coast Guard. The use of these frequencies outside VTS and SMS protected areas is permitted provided they cause no interference to VTS and SMS communications in their respective designated sectors.

[4] Use of 156.875 MHz is limited to communications with pilots regarding the movement and docking of ships. Output power must not exceed 1 watt.

[5] Use of 156.375 MHz and 156.650 MHz primarily for intership communications. Available for coast to ship on a secondary basis. Normal output power must not exceed 1 watt. Maximum output power must not exceed 10 watts.

[6] Use of 156.650 MHz is available in the Great Lakes for ship movement service (SMS) in areas designated by the St. Lawrence Seaway Development Corporation or the U.S. Coast Guard. It is not available for use in the Mississippi River from South Pass Lighted Whistle Buoy "2" and Southwest Pass entrance Midchannel Lighted Whistle Buoy to mile 242.4 above head of Passes near Baton Rouge. Additionally it is not available for use in the Mississippi River-Gulf Outlet, the Mississippi River-Gulf Outlet Canal, and the Inner Harbor Navigational Canal, except to aid the transition from these areas.

[7] Use of 156.375 MHz is available for navigational communications only in the Mississippi River from South Pass Lighted Whistle Buoy "2" and Southwest Pass entrance Midchannel Lighted Whistle Buoy to mile 242.4 above head of Passes near Baton Rouge, and in addition over the full length of the Mississippi River-Gulf Outlet Canal from entrance to its junction with the Inner Harbor Navigation Canal, and over the full length of the Inner Harbor Navigation Canal from its junction with the Mississippi River to its entry to Lake Pontchartrain at the New Seabrook vehicular bridge.

[8] Within 75 miles of the United States/Canada border, in the area of the Puget Sound and the Strait of Juan de Fuca and its approaches, 157.425 MHz is half of the duplex pair designated as Channel 88. In this area, Channel 88 is available to ship stations for communications with public coast stations only. More than 75 miles from the United States/Canada border in the area of the Puget Sound and the Strait of Juan de Fuca, its approaches, the Great Lakes, and the St. Lawrence Seaway, 157.425 MHz is available for intership and commercial communications. Outside Puget Sound area and its approaches and the Great Lakes, 157.425 MHz is also available for communications between commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

[9] The frequency 156.850 MHz is authorized for search and rescue training exercises conducted by state or local governments.

[10] Coast stations on the Great Lakes may be authorized 156.850 MHz for transmission of scheduled Coded Marine Weather Forecasts (MAFOR), Great Lakes Weather Broadcast (LAWEB) and unscheduled Notices to Mariners or Bulletins. F3C and J3C emissions are permitted. Coast Stations on the Great Lakes must cease weather broadcasts which cause interference to stations operating on 156.800 MHz until the interference problem is resolved.

[11] The frequency 157.100 MHz is authorized for search and rescue training exercises by state or local government in conjunction with U.S. Coast Guard stations. Prior U.S. Coast Guard approval is required. Use must cease immediately on U.S. Coast Guard request.

[12] For intership communications, simplex operation must be used on the frequency 157.000 MHz.

(g) On-board communications: This section describes the carrier frequency pairs assignable for on-board mobile radiotelephony communications. The center of the on-board repeater antenna must not be located more than 10 feet above the ship's working deck. These frequencies are available on a shared basis with stations in the Business Radio Service.

Channel	Frequencies for On-Board Communications	
	Carrier frequency (MHz)	
	On-board mobile station	On-board repeater station [1]
1	467.750	457.525
2	467.775	457.550
3	467.800	457.575
4	467.825	457.600

[1] These frequencies may also be assigned to mobile stations for single frequency simplex operation.

(h) *Repeater frequencies in Alaska.* The following frequencies are assignable on a primary basis to public and on a secondary basis to private coast stations in Alaska for maritime repeater operations:

Repeater receive: 157.275 MHz
Repeater transmit: 161.875 MHz

(i) *Frequencies in the 1600–4500 kHz band for private communications in Alaska.* The following frequencies are also available for simplex radiotelephone communications between ship and private fixed stations located in the State of Alaska:

Carrier frequencies (kHz)		
1619.0	2382.0	2563.0
1622.0	2419.0	2566.0
1643.0	2422.0	2590.0
1646.0	2427.0	2616.0
1649.0	2430.0	3258.0
1652.0	2447.0	[1] 3261.0
1705.0	2450.0	4366.7
1709.0	2479.0	4369.8
1712.0	2482.0	4397.7
2003.0	2506.0	4403.9
2006.0	2509.0	4422.5
2115.0	2512.0	4425.6
2118.0	2535.0	5167.5
2379.0	2538.0	

[1] Ship stations must limit use of 3261.0 kHz to communications over distances which cannot be reached by the use of a frequency below 2700 kHz or above 156.000 MHz.

(j) *Frequencies for portable ship stations.* VHF frequencies authorized for stations authorized carrier frequencies in the 156.275 MHz to 157.450 MHz and 161.575 MHz to 162.025 MHz bands may also be authorized as marine utility stations. Marine-utility stations on shore must not cause interference to any VHF or coast station, VHF or UHF land mobile base station, or U.S. Government station.

Radiodetermination

§ 80.375 Radiodetermination frequencies.

This section describes the carrier frequencies assignable to radiodetermination stations. Only direction finding radar stations will be authorized on land.

(a) *Direction finding frequencies.* The carrier frequencies assignable to ship stations for direction finding operations are:

Carrier frequency
410 kHz
500 kHz
2182 kHz
8364 kHz
121.500 kHz
243.000 kHz

(1) Except in distress the assigned frequency for direction finding is 410 kHz;

(2) Ship stations may use 500 kHz for direction finding exclusively in Regions 1 and 3 outside areas of heavy radio traffic. Use must not interfere with distress urgency and safety signals or calls and replies.

(b) *Radiodetermination frequencies for cable-repair ships.* Except in Region 1 the channels in the 285–325 kHz band are assignable to ship stations for cable-repair radiodetermination operations. In Region 1 the channels available for assignment for such operations are limited to the 285–315 kHz band. The conditions of use of these channels are set forth in Subpart X of this part. Channel usage must comply with the following requirements:

(1) They are not permitted within the territorial waters of a foreign country;

(2) Their output power must not exceed 15 watts; and

(3) They must not cause interference to any maritime station in the radionavigation service.

(c) *Radionavigation frequencies.* The frequency bands assignable to ship and shore stations, including ship and shore radar stations, for radionavigation purposes are:

Ship transmit	Shore transmit
2900–3100 MHz 5460–5650 MHz 9300–9500 MHz 14.0–14.05 GHz	2900–3100 MHz 9300–9500 MHz

(d) *Radiolocation frequencies.* (1) The frequency bands assignable to ship and shore radiolocation stations are:

Ship and shore stations (MHz)
2450–2500 2900–3100 5460–5650 9300–9500

(2) The 2450–2500 MHz band may be used for radiolocation purposes on the conditions that harmful interference must not be caused to the fixed and mobile services and that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment; and

(3) Use must not cause harmful interference to the radionavigation service and to the Government radiolocation service.

Ship Earth Stations

§ 80.377 Frequencies for ship earth stations.

The frequency band 1626.5–1645.5 MHz is assignable for communication, radiodetermination and telecommand messages, and developmental operations that are associated with the position, orientation and operational functions of maritime satellite equipment. The frequency band 1645.5–1646.5 MHz is reserved for use in the Future Global Maritime Distress and Safety System (FGMDSS).

Aircraft Stations

§ 80.379 Maritime frequencies assignable to aircraft stations.

This section describes the maritime frequencies assignable to aircraft stations for simplex operations:

(a) Available frequencies:

Carrier frequency	Conditions of use
2738 kHz	(1)
2830 kHz	(1)
3023 kHz	(2)
4125 kHz	(3)
5680 kHz	(2)
121.500 MHz	(4)
123.100 MHz	(4)
156.300 MHz	(5)
156.375 MHz	(5)
156.400 MHz	(5)
156.425 MHz	(5)
156.450 MHz	(5)
156.625 MHz	(5)
156.800 MHz	(5)
156.900 MHz	(5)
157.100 MHz	(6)
157.425 MHz	(5)(7)

(b) The conditions of use of the carrier frequencies in (a) above are:

(1) For permissible geographic areas of operation see §80.373(b)(1). For other limitations see § 80.373(b)(7);

(2) Aircraft and ship stations may use 3023.0 kHz and 5680.0 kHz for search and rescue scene-of-action coordination including communications between these stations and participating land stations. Stations using these frequencies must use J3E emission;

(3) Assignable for distress and safety communications between aircraft and maritime mobile stations;

(4) Assignable for search and rescue between ships and aircraft. Stations using these frequencies must use A3E emission;

(5) These frequencies may be used by aircraft stations when:

(i) The altitude of aircraft stations does not exceed 1,000 feet, except for reconnaissance aircraft participating in icebreaking operations where an altitude of 1,500 feet is allowed;

(ii) The mean power of aircraft stations must not exceed five watts;

(iii) Communications are limited to operations in which the maritime mobile stations are primarily involved and where direct communications between the aircraft and the ship or coast station is required;

(iv) Stations may use 156.300 MHz for safety purposes only;

(v) Stations may use 156.800 MHz for distress, safety and calling only; and

(vi) Use of 156.375 MHz by aircraft is not permitted in the New Orleans VTS area specified in §80.383.

(6) The use of 157.100 MHz is limited to communications with stations of the Department of Interior at Lake Mead, Nevada; and

(7) Commercial fishing vessels and associated aircraft may use 157.425 MHz while engaged in commercial fishing activities except within 75 miles of the United States/Canada border and Puget Sound and the Strait of Juan de Fuca and its approaches, the Great Lakes, and the St. Lawrence Seaway.

Operational Fixed Stations

§ 80.381 Frequencies for operational fixed stations.

The following carrier frequencies in the 72–76 MHz band are assignable to operational fixed stations using vertical polarization, if no harmful interference is caused to TV reception on Channels 4 and 5. These frequencies are shared with the Land Mobile and Aviation Radio Services.

OPERATIONAL FIXED FREQUENCIES IN THE 72–76 MHZ BAND

CARRIER FREQUENCY IN MHZ

72.02	72.28	72.64	72.90	75.68	75.94
72.04	72.30	72.66	72.92	75.70	75.96
72.06	[1] 72.32	72.68	72.94	75.72	75.98
[1] 72.08	72.34	72.70	[1] 72.96	75.74	.....
72.10	72.36	72.72	72.98	75.76	.....
72.12	72.38	72.74	75.42	75.78	.....
72.14	[1] 72.40	72.76	75.46	75.80	.....
[1] 72.16	72.42	72.78	75.50	75.82	.....
72.18	72.46	72.80	75.54	75.84	.....
72.20	72.50	72.82	75.58	75.86	.....
72.22	72.54	72.84	75.62	75.88	.....
[1] 72.24	72.58	72.86	[1] 75.64	75.90	.....
72.26	72.62	72.88	75.66	75.92	.....

[1] These frequencies are shared on a secondary basis with the Radio Control Service until December 17, 1987.

Vessel Traffic Services System (VTS)

§ 80.383 Vessel Traffic Services (VTS) System frequencies.

This section describes the carrier frequencies available for use in the Coast Guard Vessel Traffic Services (VTS) systems within the designated geographic radio protected areas.

(a) Assigned frequencies:

VESSEL TRAFFIC CONTROL FREQUENCIES

Carrier frequencies (MHz)	Geographic areas
156.250	Seattle.
156.550	New York, New Orleans, Houston.
156.600	New York, New Orleans, Houston.
156.700	New York, New Orleans, Seattle.

(b) The U.S. Coast Guard designated radio protection areas for VTS are as follows:

(1) *New York.* The rectangle between north latitudes 40 degrees and 42 degrees and west longitudes 71 degrees and 74 degrees 30 minutes;

(2) *New Orleans.* The rectangle between north latitudes 27 degrees 30 minutes and 31 degrees 30 minutes and west longitudes 87 degrees 30 minutes and 92 degrees;

(3) *Houston.* The rectangle between north latitudes 28 degrees 30 minutes and 30 degrees 20 minutes and west longitudes 93 degrees 30 minutes and 96 degrees; and

(4) *Seattle (Puget Sound).* From 49 degrees North 121 degrees West on the United States-Canadian Border, south to 46 degrees 30 minutes North 121 degrees West, then west to 46 degrees 30 minutes North 125 West, then north to 48 degrees 30 minutes North 125 degrees West, then east to the United States-Canadian Border and thence along the United States-Canadian Border to 49 degrees North 121 degrees West.

(c) The use of the frequencies shown in paragraph (a) of this section is permitted in areas outside the Coast Guard radio protection areas provided there is no interference to VTS communications within the VTS areas.

Automated Systems

§ 80.385 Frequencies for automated systems.

This section describes the carrier frequencies for the Automated Maritime Telecommunications System (AMTS) and for other automated multi-station systems.

(a) *Automated Maritime Telecommunications System (AMTS).* (1) The Automated Maritime Telecommunications System (AMTS) is an integrated and interconnected maritime communications system serving ship stations and offshore fixed platforms in the Mississippi River, its connecting waterways and the offshore waters of the Gulf of Mexico.

(2) The following carrier frequency pairs are available for radiotelephony, facsimile and teleprinter communications. Coast stations within 169 kilometers (105 miles) of a TV channel 13 station will not be authorized on the frequencies in Groups C and D. AMTS operations must not cause harmful interference to the U.S. Navy SPASUR system which operates in the band 216.880–217.080 MHz.

Channel No.	Carrier frequency (MHz)		
	Ship transmit	Coast transmit	Group
101	218.0125	216.0125	D
102	218.0375	216.0375	
103	218.0625	216.0625	
104	218.0875	216.0875	
105	218.1125	216.1125	
106	218.1375	216.1375	
107	218.1625	216.1625	
108	218.1875	216.1875	
109	218.2125	216.2125	
110	218.2375	216.2375	
111	218.2625	216.2625	
112	218.2875	216.2875	
113	218.3125	216.3125	
114	218.3375	216.3375	
115	218.3625	216.3625	
116	218.3875	216.3875	
117	218.4125	216.4125	
118	218.4375	216.4375	
119	218.4625	216.4625	
120	218.4875	216.4875	
121	218.5125	216.5125	C
122	218.5375	216.5375	
123	218.5625	216.5625	
124	218.5875	216.5875	
125	218.6125	216.6125	
126	218.6375	216.6375	
127	218.6625	216.6625	
128	218.6875	216.6875	
129	218.7125	216.7125	
130	218.7375	216.7375	
131	218.7625	216.7625	
132	218.7875	216.7875	
133	218.8125	216.8125	
134	218.8375	216.8375	
135	218.8625	216.8625	
136	218.8875	216.8875	
137	218.9125	216.9125	
138	218.9375	216.9375	
139	218.9625	216.9625	
140	218.9875	216.9875	
141	219.0125	217.0125	B
142	219.0375	217.0375	
143	219.0625	217.0625	
144	219.0875	217.0875	
145	219.1125	217.1125	
146	219.1375	217.1375	
147	219.1625	217.1625	
148	219.1875	217.1875	
149	219.2125	217.2125	
150	219.2375	217.2375	
151	219.2625	217.2625	
152	219.2875	217.2875	
153	219.3125	217.3125	
154	219.3375	217.3375	
155	219.3625	217.3625	
156	219.3875	217.3875	
157	219.4125	217.4125	
158	219.4375	217.4375	
159	219.4625	217.4625	
160	219.4875	217.4875	
161	219.5125	217.5125	A
162	219.5375	217.5375	
163	219.5625	217.5625	
164	219.5875	217.5875	
165	219.6125	217.6125	
166	219.6375	217.6375	
167	219.6625	217.6625	
168	219.6875	217.6875	
169	219.7125	217.7125	
170	219.7375	217.7375	
171	219.7625	217.7625	
172	219.7875	217.7875	
173	219.8125	217.8125	
174	219.8375	217.8375	
175	219.8625	217.8625	
176	219.8875	217.8875	
177	219.9125	217.8125	
178	219.9375	217.9375	
179	219.9625	217.9625	
180	219.9875	217.9875	

(b) *Automated multi-station system.* Great Lakes Region. The following table describes the assignable carrier frequency pairs to provide communication services including automated calling, teleprinter and facsimile:

Channel designator	Carrier frequency (MHz)	
	Ship transmit	Coast transmit
17	None	[1] 156.850
84	157.225	161.825
85	157.275	161.875
86	157.325	161.925
87	157.375	161.975

[1] The frequency 156.850 MHz is used only to transmit scheduled weather broadcasts.

Alaska Fixed Stations

§ 80.387 Frequencies for Alaska fixed stations.

(a) The carrier frequencies listed in (b) of this section are assignable for point-to-point simplex radiotelephone communications between private fixed stations in Alaska. The frequency pairs listed in paragraph (d) of this section are assignable for point-to-point duplex radiotelephone communications between private and public fixed stations in Alaska. Fixed stations in Alaska authorized to share carrier frequencies with the maritime mobile service must always give priority on such frequencies to maritime distress, urgency and safety communications.

(b) *Alaska-private fixed station frequencies:*

Carrier frequency (kHz)		
1643.0	2430.0	2773.0
1646.0	2447.0	3164.5
1649.0	2450.0	3183.0
1652.0	2463.0	3198.0
1657.0	2466.0	3201.0
[1] 1660.0	2471.0	3258.0
1705.0	2479.0	3231.0
1709.0	2482.0	3333.0
1712.0	2506.0	3335.0
2003.0	2509.0	4035.0
2006.0	2512.0	5164.5
2115.0	2535.0	5204.5
2118.0	2538.0	[2] 6948.5
2253.0	2563.0	[2] 7368.5
2400.0	2566.0	8067.0
2419.0	2601.0	8070.0
2422.0	2616.0	[2] 11437.0
2427.0	2691.0	[2] 11601.5

[1] Use of 1660.0 kHz must be coordinated to protect radiolocation on adjacent channels.
[2] Peak envelope power must not exceed 1 kW for radiotelephony. Teleprinter use is authorized.

(c) Use of the frequencies in (b) of this section must meet the following conditions:

(1) Communications between private coast and private fixed stations are prohibited; and

(2) Station licensees must not charge for third party communication services between their station and any other private fixed station.

(d) The following carrier frequency pairs are assignable for point-to-point communications between public fixed and private fixed stations:

Public fixed station frequencies (kHz)	Private fixed Station frequencies (kHz)
[1] 2312.0	2632.0
2604.0	2256.0
2781.0	[3] 2474.0
2784.0	2694.0
3167.5	3354.0
3180.0	2776.0
3241.0	3357.0
3362.0	3238.0
[2] 4791.5	5207.5
5370.0	[4] 5134.5, [4] 5137.5

[1] This frequency is assignable on a primary basis to public coast stations and on a secondary basis to public fixed stations.
[2] Teleprinter use is authorized.
[3] Peak envelope power must not exceed 1 kW.
[4] Licensees must ceaso all communications on 5134.5 kHz and 5137.5 kHz when notified by the State of Alaska of an emergency or disaster. Licensees may resume communication on these frequencies when notified by the State of Alaska that the disaster or harmful interferance has ended.

(e) The public fixed station frequencies are assignable to common carriers.

(f) The private fixed station frequencies described in paragraph (d) of this section are assignable to private entities located in areas where common carrier facilities are not available. Private fixed stations operating on the frequencies in paragraph (d) must communicate with public fixed stations only. Private fixed stations are permitted to provide third party communications between their station and the public fixed stations. A charge for such service is prohibited.

(g) U.S. Government frequencies will be authorized if the Commission determines that the assignment is in the public interest.

Maritime Support Stations

§ 80.389 Frequencies for maritime support stations.

(a) *Marine receiver test.* Maritime support stations will be authorized to conduct receiver tests on the ship station frequencies of the channels assigned to the associated public coast station.

(b) *Shore radar and radiolocation tests.* The following frequency bands are available for assignment to demonstrate radar and radiolocation equipment. The use of frequencies within these bands must not cause harmful interference to the radionavigation service and the Government radiolocation service: 2450–2500 MHz, 2900–3100 MHz, 5460–5650 MHz, 9300–9500 MHz, 14.0–14.05 GHz.

Developmental Stations

§ 80.391 Frequencies for developmental stations.

(a) Ship and shore stations engaged in developmental operations may be assigned any frequency or frequencies assignable to the service and class of station they propose to operate. The following frequency bands are also assignable to ships and coast stations for developmental operations:

Ship transmit	Coast transmit
5350–5460 MHz [1] 6425–6525 MHz	5350–5460 MHz [1]
9000–9200 MHz [1] 11700–12200 MHz 17700–19700 MHz 27500–29500 MHz	9000–9200 MHz [1] 11700–12200 MHz

[1] The bands 5350–5460 MHz and 9000–9200 MHz are assignable for developmental operations at ship and shore radiolocation stations if their operations do not cause harmful interference to aeronautical radionavigation or Government radiolocation services.

(b) Stations authorized to conduct developmental operations are prohibited from communicating with any station of a country other than the United States.

(c) Stations authorized to conduct developmental operations must not cause harmful interference to the operation of stations authorized in other public services nor to any United States Government or foreign station.

Subpart I—Station Documents

§ 80.401 Station documents requirement.

Licensees of radio stations are required to have current station documents as indicated in the following table.

BILLING CODE 6712-01-M

LEGEND

R = REQUIRED

DOCUMENTS →

RADIO STATION CATEGORY

RADIO STATION CATEGORY	STATION LICENSE	APPROPRIATE OPERATOR AUTHORIZATION	STATION LOGS	APPROPRIATE SAFETY CONVENTION CERTIFICATE	COMMUNICATIONS ACT SAFETY CERTIFICATE	GREAT LAKES RADIO AGREEMENT SAFETY CERTIFICATE	BRIDGE-TO-BRIDGE ACT SAFETY CERTIFICATE	PART 80; FCC RULES AND REGULATIONS	ALPHABETICAL LIST OF MARITIME MOBILE CALL SIGNS	LIST OF SHIP STATIONS	MANUAL FOR USE BY MARITIME MOBILE (M/M) SERVICE & M/M SATELLITE SERV.	LIST OF COAST STATIONS	LIST OF RADIODETERMINATION AND SPECIAL SERVICES STATIONS	STATION EQUIPMENT RECORDS
SHIPBOARD: TELEGRAPH; TITLE III, PART II / SAFETY CONVENTION	R1	R	R	R				R	R	R	R	R	R	
TELEPHONE; TITLE III, PART II / SAFETY CONVENTION	R1	R	R	R				R			R	R2		
TELEPHONE; TITLE III, PART II	R1	R	R					R						
TELEPHONE; TITLE III, PART III	R1	R	R		R			R						
TELEPHONE; GREAT LAKES RADIO AGREEMENT	R	R	R			R								
TELEPHONE; BRIDGE-TO-BRIDGE ACT	R	R	R				R							
RADAR	R													
ON-BOARD	R													R
VOLUNTARY	R	R												
LAND: PUBLIC COAST (MF)	R	R	R					R	R3	R3	R3			
PUBLIC COAST (HF)	R	R	R					R	R	R	R			
PUBLIC COAST (VHF)	R	R	R					R						
PRIVATE COAST	R	R												
RADIODETERMINATION	R	R												
OPERATIONAL FIXED	R	R												
MARITIME SUPPORT	R	R												
ALASKA - PUBLIC FIXED	R	R	R											
ALASKA - PRIVATE FIXED	R	R												
SHIP/COAST: MARINE UTILITY	R	R												

BILLING CODE 6712-01-C

Notes:

1. The expired station license must be retained in the station records until the first Commission inspection after the expiration date.
2. Alternatively, a list of coast stations maintained by the licensee with which communications are likely to be conducted, showing watchkeeping hours, frequencies and charges, is authorized.
3. Required only if station provides a service to oceangoing vessels.

§ 80.403 Availability of documents.

Station documents must be readily available to the licensed operator(s) on duty during the hours of service of the station and to authorized Commission employees upon request.

§ 80.405 Station license.

(a) *Requirement.* Stations must have an authorization granted by the Federal Communications Commission.

(b) *Application.* Application for authorizations in the maritime services must be submitted on the prescribed forms in accordance with Subpart B of this part.

(c) *Posting.* The current station authorization or a clearly legible copy must be posted at the principal control point of each station. If a copy is posted, it must indicate the location of the original. When the station license cannot be posted, as in the case of a marine utility station operating at temporary unspecified locations, it must be kept where it will be readily available for inspection. The licensee of a station on board a ship subject to Parts II or III of Title III of the Communications Act or the Safety Convention must retain the most recently expired ship station license in the station records until the first Commission inspection after the expiration date.

§ 80.407 Operator authorization.

This section contains information and rules pertinent to the application for and posting of radio operator authorizations. Rules applicable to radio operator requirements are contained in Subpart D of this part and other rules pertinent to commercial radio operators are contained in Part 13 of this chapter.

(a) *Application.* Detailed information about application forms, filing procedures, and places to file applications for radio operator authorizations is contained in the bulletin "Commercial Radio Operator Licenses and Permits." This bulletin is available from any Commission District Office or from the FCC, Washington, DC 20554.

(b) *Posting.* When a Commission-authorized operator is required, the original authorization of each operator must be posted at the principal control point of the station. In lieu of posting, an operator who holds a restricted radiotelephone operator permit or a higher class operator license may have the operator authorization or a photocopy thereof available for inspection upon request by authorized Commission employees when operating the following:

(1) A voluntary station;

(2) Any class of ship station when the operator is on board solely to service the radio equipment; or

(3) A portable station.

§ 80.409 Station logs.

(a) *General requirements.* Logs must be established and properly maintained as follows:

(1) The log must be kept in an orderly manner. The required information for the particular class or category of station must be readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(2) Erasures, obliterations or willful destruction within the retention period are prohibited. Corrections may be made only by the person originating the entry by striking out the error, initialing the correction and indicating the date of correction.

(3) The log must identify the vessel name, country of registry, and official number of the vessel.

(4) The station licensee and the radio operator in charge of the station are responsible for the maintenance of station logs.

(b) *Availability and retention.* Station logs must be made available to authorized Commission employees upon request and retained as follows:

(1) Logs must be retained by the licensee for a period of one year from the date of entry, and when applicable for such additional periods as required by the following paragraphs:

(i) Logs relating to a distress situation or disaster must be retained for three years from the date of entry.

(ii) If the Commission has notified the licensee of an investigation, the related logs must be retained until the licensee is specifically authorized in writing to destroy them.

(iii) Logs relating to any claim or complaint of which the station licensee has notice must be retained until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claims.

(2) Logs containing entries required by paragraphs (e) and (f) of this section must be kept at the principal radiotelephone operating location while the vessel is being navigated. All entries in their original form must be retained on board the vessel for at least 30 days from the date of entry.

(3) Ship radiotelegraph logs must be kept in the principal radiotelegraph operating room during the voyage.

(c) *Public coast station logs.* Public coast stations must maintain a log as follows:

(1) "ON DUTY" must be entered by the operator beginning a duty period, followed by the operator's signature. "OFF DUTY" must be entered by the operator being relieved of or terminating duty, followed by the operator's signature.

(2) The date and time of making an entry must be shown opposite the entry.

(3) Failure of equipment to operate as required and incidents tending to unduly delay communication must be entered.

(4) All measurements of the transmitter frequency(ies) must be entered with a statement of any corrective action taken.

(5) Entries must be made giving details of all work performed which may affect the proper operation of the station. The entry must be made, signed and dated by the operator who supervised or performed the work and, unless the operator is regularly employed on a full-time basis at the station, must also include the mailing address, class, serial number, and expiration date of the operator license.

(6) Entries must be made about the operation of the antenna tower lights when the radio station has an antenna structure requiring illumination by Part 17 of this chapter.

(7) All distress or safety related calls transmitted or received must be entered, together with the frequency used and the position of any vessel in need of assistance.

(8) Coast stations which maintain a watch on 500 kHz must enter the time this watch is begun, suspended or ended.

(d) *Ship radiotelegraph logs.* Logs of ship stations which are compulsorily equipped for radiotelegraphy and operating in the band 90 to 535 kHz must contain log entries as follows:

(1) The date and time of each occurrence or incident required to be entered in the log must be shown opposite the entry and the time must be expressed in Coordinated Universal Time (UTC).

(2) "ON WATCH" must be entered by the operator beginning a watch, followed by the operator's signature. "OFF WATCH" must be entered by the operator being relieved or terminating a watch, followed by the operator's

signature. All log entries must be completed by the end of each watch.

(3) During the watch, all calls and replies to and from the station must be entered to include the time, frequencies, and call letters of the station communicated with or heard. Also, any messages exchanged must be entered to include the time, frequency, and call letters of the station(s) communicated with or heard.

(4) During the watch, an entry must be made twice per hour stating whether the international silence period was observed. Entries must also be made indicating any signals or communications heard on 500 kilohertz during this period. If no signals are heard on 500 kHz, an entry to that effect must be made.

(5) The time and reason for discontinuance and the time of resuming the watch must be entered when the 500 kHz watch is discontinued.

(6) All distress calls, automatic-alarm signals, urgency and safety signals made or intercepted, the complete text, if possible, or distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, must be entered, together with the time of such observation or occurrence and the position of the ship or other mobile unit in need of assistance.

(7) The position of the ship at least once per day.

(8) A daily entry must be made comparing the radio station clock with standard time, including errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations will be acceptable as standard time.

(9) All test transmissions must be entered, including the time of the transmissions and the approximate geographical location of the vessel.

(10) Any failure of equipment to operate as required and any incidents tending to unduly delay communications must be entered.

(11) A ship required to keep a radiotelegraph watch on 500 kHz must meet the following:

(i) Entries must be made of the results of tests of the emergency installation including transmitter antenna current, hydrometer readings of lead-acid storage batteries, voltage readings of other types of batteries, and quantity of fuel available for engine generators.

(ii) When the vessel is in the open sea, a log entry must be made each time the emergency power supply is used to carry on a communication other than during a safety watch.

(iii) When the vessel is in the open sea, a daily entry must be made showing whether the storage batteries were brought up to the normal full charge condition that day.

(iv) Entries must be made stating when each storage battery is placed on charge or off charge.

(v) Entries must be made about maintenance of survival craft radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging must show when such storage battery is placed on charge and when it is taken off charge.

(vi) Results of inspections and tests of survival craft radio equipment, prior to departure of the vessel from a harbor or port and weekly inspections, must be entered.

(vii) On a cargo vessel equipped with an auto alarm, the entry "AUTO ALARM ON" and the entry "AUTO ALARM OFF", respectively, must be made whenever the operator places the auto alarm in and out of operation. Results of the required auto alarm tests must be entered daily, including the minimum number of 4-second dashes from the testing device which were necessary to properly operate the alarm.

(viii) On a cargo vessel equipped with an auto alarm, a log entry must be made whenever the auto alarm becomes inoperative. The entry must include a statement showing the time the operator was called to make repairs; the reason for the failure; parts changed; repairs; and the time the auto alarm was restored to service.

(e) *Ship radiotelephone logs.* Logs of ship stations which are compulsorily equipped for radiotelephony must contain the following applicable log entries and the time of their occurrence:

(1) A summary of all distress, urgency and safety traffic;

(2) A summary of communications conducted on other than VHF frequencies between the ship station and land or mobile stations;

(3) A reference to important service incidents;

(4) The position of the ship at least once a day;

(5) The name of the operator at the beginning and end of the watch period;

(6) The time the watch begins when the vessel leaves port, and the time it ends when the ship reaches port;

(7) The time the watch is discontinued, including the reason, and the time the watch is resumed;

(8) The times when storage batteries provided as a part of the required radiotelephone installation are placed on charge and taken off charge;

(9) Results of required equipment tests, including specific gravity of lead-acid storage batteries and voltage reading of other types of batteries provided as a part of the compulsory installation;

(10) Results of inspections and tests of compulsorily fitted lifeboat radio equipment;

(11) A daily statement about the condition of the required radiotelephone equipment, as determined by either normal communication or test communication;

(12) When the master is notified about improperly operating radiotelephone equipment.

(f) *Applicable radiotelephone log entries.* The log entries listed in paragraph (e) of this Section are applicable as follows:

(1) Radiotelephony stations subject to Parts II and III of Title III of the Communications Act and/or the Safety Convention must record entries indicated by paragraph (e)(1) through (e)(10) of this section.

(2) Radiotelephony stations subject to the Great Lakes Radio Agreement must record entries indicated by paragraphs (e) (1), (5), (8), (9), (11) and (12) of this section.

(3) Radiotelephony stations subject to the Bridge-to-Bridge Act must record entries indicated by paragraphs (e) (1), (5), (6), (7), (11) and (12) of this section.

§ 80.411 Vessel certification or exemption.

(a) *Application.* The application procedures for inspection and certification and for exemptions are contained in § 80.59.

(b) *Posting.* Communications Act, Safety Convention and Great Lakes Radio Agreement certificates or exemptions must be posted in a prominent, accessible place in the ship.

§ 80.413 On-board station equipment records.

(a) The licensee of an on-board station must keep equipment records which show:

(1) The ship name and identification of the on-board station;

(2) The number and type of repeater and mobile units used on-board the vessel; and

(3) The date and type of equipment which is added or removed from the on-board station.

§ 80.415 ITU publications.

(a) The following publications listed in the table contained in § 80.401 are published by the International Telecommunications Union (ITU):

(1) Manual for Use of the Maritime Mobile and Maritime Mobile-Satellite Services.
(2) List IV—List of Coast Stations.
(3) List V—List of Ship Stations.
(4) List VI—List of Radiodetermination and Special Services Stations.
(5) List VII A—Alphabetical List of Call Signs of Stations Used by the Maritime Mobile Service, Ship Station Selective Call Numbers or Signals and Coast Station Identification Numbers or Signals.

(b) The publications listed in paragraph (a) of this section may be purchased from:

International Telecommunication Union, General Secretariat—Sales Section, Place des Nations, CH–1211 Geneva 20, Switzerland

§ 80.417 FCC Rules and Regulations.

The Commission's printed publications are described in Subpart C of Part O of this chapter. These publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The Commission does not furnish copies of these publications but will furnish a price list, Information Services and Publications-Bulletin No. 1, upon request. Requests for copies of this list should be directed to the Office of Congressional and Public Affairs, Federal Communications Commission, Washington, DC 20554.

STATIONS ON LAND

Subpart J—Public Coast Stations

§ 80.451 Supplemental eligibility requirements.

A public coast station license may be granted to any person meeting the citizenship provisions of § 80.15(b).

§ 80.453 Scope of communications.

Public coast stations provide ship/shore radiotelephone and radiotelegraph services.

(a) Public coast stations are authorized to communicate:

(1) With any ship or aircraft station operating in the maritime mobile service, for the transmission or reception of safety communication;

(2) With any land station to exchange safety communications to or from a ship or aircraft station;

(3) With Government and non-Government ship and aircraft stations to exchange public correspondence;

(b) Public coast stations are authorized to communicate with a designated station at a remote fixed location where other communication facilities are not available.

(c) Public coast stations are authorized to transmit meteorological and navigational information of benefit to mariners.

(d) Each public coast telegraphy station is authorized to communicate with other public coast telegraphy stations to exchange message traffic destined to or originated at mobile stations:

(1) To exchange operating signals, brief service messages or safety communication;

(2) To exchange message traffic destined for a mobile station when the coast station initially concerned is unable to communicate directly with the mobile station;

(3) In the Great Lakes region, to exchange message traffic originated at a mobile station when the use of available point-to-point communication facilities would delay the delivery of such message traffic;

(4) Utilization of radiotelegraphy must not incur additional charges or replace available point-to-point communication facilities;

(5) Only authorized working frequencies within the band 415 kHz to 5000 kHz must be employed for communications between coast stations;

(6) Harmful interference must not be caused to communication between mobile stations and coast stations or between mobile stations.

Use of Telegraphy

§ 80.455 Assignment and use of frequencies for manual Morse code telegraphy.

(a) The frequencies designated in §§ 80.355 and 80.357 may be licensed for use by coast stations employing telegraphy.

§ 80.459 Digital selective calling.

Subpart H of this part lists frequencies assignable for DSC.

§ 80.461 Narrow-band direct-printing.

Subpart H of this part lists the frequencies assignable to public coast stations for operations with ship stations. Operating procedures are listed in Subpart C of this part.

Use of Telephony

§ 80.465 Assignment and use of frequencies for telephony.

Subpart H of this part lists the frequencies available for assignment to public coast stations for telephony operations.

§ 80.467 Duplication of VHF service.

No duplication of service areas as determined by Subpart P of this part will be permitted by public coast stations operating on the same VHF public correspondence channel. Within the service area of a station, the ratio of desired to undesired co-channel signal strengths on public correspondence channels must be at least 12dB.

§ 80.469 Maritime mobile repeater stations in Alaska.

(a) Maritime mobile repeater stations are authorized to extend the range of communication between a VHF public coast station located in Alaska and ship stations.

(b) On a secondary basis, maritime mobile repeater stations may be authorized to extend the range of a private coast station:

(1) In an area where VHF common carrier service is not available;

(2) A maritime mobile repeater station license expires 60 days after a public coast station in the area begins service.

(c) Each application for a maritime mobile repeater station must include a statement showing why operational fixed frequencies cannot be employed.

(d) The provisions relating to duplication of service described in Subpart P apply to maritime mobile repeater stations.

(e) The frequencies 157.275 and 161.875 MHz are assignable to maritime mobile repeater stations.

(f) Each maritime mobile repeater station must:

(1) Deactivate automatically within 5 seconds after the signals controlling the station cease; and

(2) During periods when it is not controlled from a manned control point, deactivate automatically not more than 20 minutes after its activation by a mobile unit.

§ 80.471 Discontinuance of impairment of service.

A public coast station must not discontinue or impair service unless authorized to do so by the Commission.

Automated Systems

§ 80.475 Scope of service of the Automated Maritime Telecommunications System (AMTS).

(a) An AMTS serving the eastern or western sector of the offshore waters of the Gulf of Mexico, that is, east or west of longitude 87°45' W., must provide service to the 100 fathom line or 40 nautical miles offshore, whichever is greater. Ships adjacent to any of these waterways may communicate with any AMTS station within its service area.

(b) AMTS applicants must show how the proposed system will provide continuity of service along more than 60% of each of one or more navigable

waterways encompassing the Mississippi River System, the Gulf Intracoastal Waterway, or the eastern or western sector of the offshore waters of the Gulf of Mexico. Waterways less than 240 kilometers (150 miles) long must be served in their entirety. A separate Form 503 is not required for each coast station in a system. However, the applicant must provide technical characteristics for each proposed coast station, including transmitter type, operating frequencies, emissions, transmitter output power, antenna arrangement and location.

(1) Applicants proposing to locate a coast station transmitter within 169 kilometers (105 miles) of a channel 13 television station or within 129 kilometers (80 miles) of a channel 10 television station or with an antenna height greater than 61 meters (200 feet) must submit an engineering study clearly showing the means of avoiding interference with television reception within the grade B contour. See § 80.215(g).

(2) Additionally, applicants required to submit the above specified must give written notice of the filing of such application(s) to the television stations which may be affected. A list of the television stations modified must be submitted with the subject applications.

(c) In lieu of public correspondence service an AMTS system may provide private coast station communications related to the operational requirements of ships including transmissions of fuel, weather, position and supply reports. However, such communications may be provided only to ship stations whose licensees make cooperative arrangements with the AMTS coast station licensees. In emergency and distress situations, services must be provided without prior arrangements.

§ 80.477 Points of communications.

(a) AMTS coast stations may communicate with fixed platform stations located in the offshore waters of the Gulf of Mexico and with ship stations.

(b) AMTS licensees in the offshore waters of the Gulf of Mexico may use AMTS coast and ship station frequencies on a secondary basis for fixed service communications to support offshore AMTS operations.

§ 80.479 Assignment and use of frequencies for AMTS.

(a) The frequencies assignable to AMTS stations are listed in Subpart H of this part. These frequencies are assignable to ship and public coast stations for voice, facsimile and radioteletypewriter communications.

Subpart K—Private Coast Stations and Marine Utility Stations

§ 80.501 Supplemental eligibility requirements.

(a) A private coast station or a marine utility station may be granted only to a person who is:

(1) Regularly engaged in the operation, docking, direction, construction, repair, servicing or management of one or more commercial transport vessels or United States, state or local government vessels; or is

(2) Responsible for the operation, control, maintenance or development of a harbor, port or waterway used by commercial transport vessels; or is

(3) Engaged in furnishing a ship arrival and departure service, and will employ the station only for the purpose of obtaining the information essential to that service; or is

(4) A corporation proposing to furnish a nonprofit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary where the party to be served performs any of the eligibility activities described in this section; or is

(5) A nonprofit corporation or association, organized to furnish a maritime mobile service solely to persons who operate one or more commercial transport vessels; or is

(6) Responsible for the operation of bridges, structures or other installations that area part of, or directly related to, a harbor, port or waterway when the operation of such facilities requires radio communications with vessels for safety or navigation; or is

(7) A person controlling public moorage facilities; or is

(8) A person servicing or supplying vessels other than commercial transport vessels; or is

(9) An organized yacht club with moorage facilities; or is

(10) A nonprofit organization providing noncommercial communications to vessels other than commercial transport vessels.

(b) Each application for station authorization for a private coast station or a marine utility station must be accompanied by a statement indicating eligibility under paragraph (a) of this section.

§ 80.503 Cooperative use of facilities.

(a) A person engaged in the operation of one or more commercial transport vessels or government vessels may receive maritime mobile service from a private coast station or a marine utility station on shore even though not the licensee of the private coast station or the marine utility station. Restrictions on cooperative arrangements are as follows:

(1) Foreign persons must be the licensees of the radio stations installed on board their vessels.

(2) The licensee of a private coast station or marine utility station on shore may install ship radio stations on board United States commercial transport vessels of other persons. In each case these persons must enter into a written agreement verifying that the ship station licensee has the sole right of control of the ship stations, that the vessel operators must use the ship stations subject to the orders and instructions of the coast station or marine utility station on shore, and that the ship station licensee will have sufficient control of the ship station to enable it to carry out its responsibilities under the ship station license.

(b) Cooperative arrangements are limited concerning cost and charges as follows:

(1) The arrangement must be established on a non-profit, cost-sharing basis by written contract. A copy of the contract must be kept with the station records and made available for inspection by Commission representatives.

(2) Contributions to capital and operating expenses are to be prorated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its nonprofit, cost-sharing nature must be maintained by the licensee of the station and made available for inspection by Commission representatives.

§80.505 Points of communication.

(A) Private coast stations and marine utility stations are authorized to communicate:

(1) With any mobile station in the maritime mobile service for the exchange of safety communications;

(2) With any land station for the purpose of aiding the exchange of safety communications;

(3) With ship stations.

(b) Private coast stations of the same licensee may be authorized to communicate on a secondary basis between themselves if:

(1) The communications are confined exclusively to those for which authority has been granted the coast station, and concerns ships with which one or both of the coast stations are authorized to communicate; and

(2) Other satisfactory point-to-point communication facilities between the coast stations are unavailable; and

(3) Coast stations which communicate with each other are not more than 160 km (100 miles) apart; and

(4) Harmful interference is not cause to mobile stations.

(c) A private coast station and associated marine utility stations serving and located on a shipyard regularly engaged in construction or repair of commercial transport vessels or Government vessels are authorize to communicate between stations when they are licensed to the same entity and communications are limited to serving the needs of ships on a non-interference basis to other stations in the maritime mobile service. A separate showing is required.

§ 80.507 Scope of service.

(a) A private coast station or marine utility station using telephony serves the operational and business needs of ships including the transmission of safety communication.

(b) In areas where environmental communications are provided by U.S. Government stations or by public coast stations, private coast stations and marine utility stations on shore must not duplicate that service. In other areas, private coast stations and marine utility stations on shore may transmit weather and hydrographic information required for the ships with which they normally communicate. Private coast stations may provide environmental communication service in areas where adequate service is not available.

(c) Each marine utility station on shore must be operated as a private coast station except that it may be operated at temporary unspecified locations. Marine utility stations on ships are operated as ship stations.

§ 80.509 Frequency assignment.

Frequencies assignable to private coast stations and marine utility stations are listed in Subpart H.

§ 80.511 Assignment limitations.

(a) Only one port operation, one commercial and one non-commerical frequency will be assigned to a private coast station or marine utility station. Applications for authority to use more than one frequency in any one of the above three categories must include a showing of need as specified below.

(b) An application for an additional frequency by a person who services vessels, must include a description of the vessels with which communication is planned and a statement that the applicant has personal knowledge that the ship radio stations are not capable of operating on working frequencies already assigned to the coast station.

(c) An application for an additional frequency based on congestion of the assigned frequency must show that for any four periods of 5 consecutive days each, in the preceeding 6 months, the assigned frequency was in use at least 25 percent of the time during 3 hours of daily peak activity. If the application for an additional frequency is based on the congestion by other nearby stations, the showing must include the call signs and locations of such stations.

§ 80.513 Frequency coordination.

(a) Except as provided in paragraphs (b) and (c) of this section each application for a new VHF private coast station license or modification of an existing license to be located in an area having a recognized frequency coordinating committee must be accompanied by:

(1) A report based on a field study, indicating the degree of probable interference to existing stations operating in the same area. The applicant must consider all stations operating on the working frequency or frequencies requested or assigned within 80 km (50 miles) of the proposed station location, and

(2) The report must include a statement that all existing licensees on the frequency within 80 km (50 miles) and the frequency coordinating committee have been notified of the applicant's intention to file an application. The notice of intention to file must provide the licensees concerned and the advisory committee with the following information: The frequency and emission; transmitter location and power; and the antenna height proposed by the applicant.

(b) Applications for modification need not be accompanied by the field study where the modification does not involve any change in frequency(ies), power, emission, antenna height, antenna location or area of operation.

(c)(1) In lieu of the field study, a statement from a frequency coordinating committee may be submitted with the application. The committee must comment on the requested frequency or the proposed changes in the authorized station and give an opinion regarding the probable interference to existing stations. The committee must consider all stations operating on the requested frequency within 80 km (50 miles) of the proposed station location. The frequency coordinating committee statement must also recommend a frequency which will result in the least amount of interference to proposed and existing stations. Committee recommendations may also include comments on technical factors and may recommend restrictions to minimize interference.

(2) A frequency coordinating committee must be representative of all persons who are eligible for VHF private coast stations within the service area of the recognized frequency coordinating committee. A statement of organization, service area and composition of the committee must be submitted to the Commission for approval. The functions of any coordinating committee are purely advisory to the applicant and the Commission. Its recommendations are not binding upon either the applicant or the Commission.

§ 80.515 Limitations on use.

A private coast station or marine utility station using telephony must:

(a) Not be used for public correspondence;

(b) Not be used to transmit program material for radio broadcasting; and

(c) Not be used to transmit press material or news items which are not required to serve the needs of ships.

§ 80.517 Time limitation on communication.

All communication engaged in by private coast stations and marine utility stations must be limited to the minimum practicable transmission time. Each station licensee must employ standardized operating practices and procedures.

§ 80.519 Station identification.

(a) Stations must identify transmissions by announcing in the English language the station's assigned call sign. In lieu of the identification of the station by voice, the official call sign may be transmitted by tone-modulated telegraphy in international Morse Code manually or by means of an automatic device approved by the Commission. Transmissions on the navigation frequency (156.650 MHz) by stations on drawbridges may be identified by use of the name of the bridge in lieu of the call sign. Identification must be made:

(1) At the beginning and end of each exchange of communications and;

(2) At intervals not exceeding 15 minutes whenever transmissions or communications are sustained for more than 15 minutes.

(b) Marine utility stations or private coast stations when exchanging communications with marine utility stations may be identified by a unit identifier in lieu of the call sign. Identification by transmission of the assigned call sign must be at the end of the exchange of communications or at least once each 15 minutes.

Subpart L—Operational Fixed Stations

§ 80.551 Applicability.

This subpart contains rules applicable to operational fixed stations.

§ 80.553 Supplemental eligibility requirements.

An applicant for an operational fixed station must show that:

(a) The applicant is the licensee of a coast station;

(b) Other suitable telecommunications facilities are not available to satisfy coast station requirements.

§ 80.555 Scope of communication.

An operational fixed station provides control, repeater or relay functions for its associated coast station.

§ 80.557 Assignment and use of frequencies.

The specific frequencies for these stations are listed in Subpart H of this part.

80.559 Licensing limitations.

Operational fixed stations are subject to the following licensing limitations:

(a) A maximum of four frequencies will be assigned.

(b) Stations will not be authorized when applications indicate less than 16 km (10 miles) separation between a proposed station and a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which either channel is assigned but not in operation.

(c) Stations located between 16 km (10 miles) and 128 km (80 miles) of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which either channel is assigned but not in operation, will be authorized only if there are fewer than 100 family dwelling units as defined by the U.S. Bureau of Census located within a circle centered at the location of the proposed fixed station. Dwelling units more than 112 km (70 miles) are excluded. The radius is determined by using charts entitled "Chart for Determining Radius From Fixed Station in 72–76 MHz Band to Interference Contour Along Which 10 percent of Service From Adjacent Channel Television Station Would Be Destroyed." Two charts are available, one for Channel 4 and one for Channel 5. Charts are available from Secretary, Federal Communications Commission, Washington, DC 20554. Authorization for the location of a fixed station within a circle containing 100 or more family dwelling units may be granted if:

(1) The proposed site is the only suitable location.

(2) It is not feasible to use other available frequencies.

(3) The applicant agrees to eliminate any interference caused by station operations.

Subpart M—Radiodetermination Stations

§ 80.601 Scope of communications.

Stations on land in the Maritime Radiodetermination Service provide a radionavigation or radiolocation service for ships.

§ 80.603 Assignment and use of frequencies.

The frequencies available for assignment to shore radionavigation/radiolocation stations are contained in Subpart H of this part.

§ 80.605 U.S. Coast Guard coordination.

Shore radionavigation stations operated to provide information to aid in the movement of any ship are private aids to navigation. Before submitting an application for a radionavigation station, an applicant must obtain written permission from the Commandant, U.S. Coast Guard, Washington, DC 20593 (attention Marine Radio Policy Branch, G–TPP–3). Documentation of the Coast Guard approval must be submitted with the application.

Note.—Shore surveillance radar stations do not require U.S. Coast Guard approval.

Subpart N—Maritime Support Stations

§ 80.651 Supplemental eligibility requirements.

(a) An applicant for a maritime support station must demonstrate a requirement for training personnel associated with the maritime service or for the testing, demonstration or maintenance of ship or coast radio equipment.

§ 80.653 Scope of communications.

(a) Maritime support stations are land stations authorized to operate at permanent locations or temporary unspecified locations.

(b) Maritime support stations are authorized to conduct the following operations:

(1) Training of personnel in maritime telecommunications;

(2) Transmissions necessary for the test and maintenance of maritime radio equipment at repair shops; and

(3) Transmissions necessary to test the technical performance of the licensee's public coast station(s) radiotelephone receiver(s); and

(4) Transmissions necessary for radar/racon equipment demonstration.

§ 80.655 Use of frequencies.

(a) The frequencies available for assignment to maritime support stations are described or listed in:

(1) Section 80.373 for scope of communications described in § 80.653 (b)(1) and (b)(2); and

(2) Section 80.389 for scope of communications described in § 80.653 (b)(3) and (b)(4).

(b) Frequencies must be used only on a secondary, non-interference basis to operational maritime communications.

(c) Use of frequencies assigned to services other than the maritime radiolocation service is limited to one hour per twenty four hour period.

§ 80.659 Technical requirements.

The authorized frequency tolerance, class of emission, bandwidth, and transmitter power for maritime support stations are contained in Subpart E of this part under the category associated with the intended use except for power limitations imposed upon stations operating within the scope of § 80.653(b)(3), which are further limited by the provisions of § 80.215(f).

Subpart O—Alaska Fixed Stations

§ 80.701 Scope of service.

There are two classes of Alaska Fixed stations. Alaska-public fixed stations are common carriers, open to public correspondence, which operate on the paired duplex channels listed in Subpart H of this part. Alaska-private fixed stations may operate on simplex frequencies listed in Subpart H of this part to communicate with other Alaska private fixed stations or with ship stations, and on duplex frequencies listed in Subpart H of this part when communicating with the Alaska-public fixed stations. Alaska-private fixed stations must not charge for service, although third party traffic may be transmitted. Only Alaska-public fixed stations are authorized to charge for communication services.

§ 80.703 Priority of distress and other signals.

Alaska-public fixed stations, when operating on an authorized carrier frequency which is also used by the maritime mobile service, must give priority to distress, urgency or safety signals, or to any communication preceded by one of these signals.

§ 80.705 Hours of service of Alaska-public fixed stations.

Each Alaska-public fixed station whose hours of service are not continuous must not suspend operations before having concluded all

communications of an emergency nature.

§ 80.707 Cooperative use of frequency assignments.

(a) Only one Alaska-public fixed station will be authorized to serve any area whose point-to-point communication needs can be adequately served by a single radio communication facility.

(b) Each radio channel authorized for use by an Alaska-private fixed station is available on a shared basis only. All station licensees must cooperate in the use of their respective frequency assignments to minimize interference.

§ 80.709 Frequencies available.

Frequencies assignable to Alaska fixed stations are listed in Subpart H of this part.

§ 80.711 Use of U.S. Government frequencies.

Alaska-public fixed stations may be authorized to use frequencies assigned to U.S. Government radio stations for communications with Government stations or for coordination of Government activities.

Subpart P—Standards for Computing Public Coast Station VHF Coverage

§ 80.751 Scope.

This subpart specifies receiver antenna terminal requirements in terms of power, and relates the power available at the receiver antenna terminals to transmitter power and antenna height and gain.

§ 80.753 Signal strength requirements at the service area contour.

(a) The requirements for reception by a marine VHF shipboard receiver are satisfied if the field strength from the coast station, calculated in accordance with § 80.771 is at least +17 dBu above one microvolt.

(b) These field strengths, voltages and powers at the receiver input are equivalent:

(1) −132 dBW (decibels referred to 1 watt).

(2) 1.8 microvolts across 50 ohms.

(3) +17 dBu (decibels referred to 1 microvolt per meter).

(4) 7 microvolts per meter.

§ 80.755 Applicability.

Applications for maritime frequencies in the 156–162 MHz band must include a map showing the proposed service area contour. The service area contour must be computed in accordance with the following procedures.

§ 80.757 Topographical data.

(a) In the preparation of profile graphs and in determining the location and height above sea level of the antenna site, the elevations or contour intervals must be taken from U.S. Geological Survey topographic quadrangle maps, U.S. Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which maps are available. If such maps are not published for the area in question, the next best topographic information must be used. The maps used must include the principal area to be served. U.S. Geological Survey topographic quadrangle maps may be obtained from the Eastern Distribution Branch, U.S. Geological Survey, 1200 South Eads Street, Arlington, VA 22202, for maps of areas east of the Mississippi River, including Minnesota, Puerto Rico, and the Virgin Islands, and from the Western Distribution Branch, U.S. Geological Survey, Federal Center, Denver CO 80225, for maps of areas west of the Mississippi River, including Alaska, Hawaii, Louisiana, Guam and American Samoa. Sectional aeronautical charts are available from the Distribution Division, National Ocean Service, Riverdale, MD 20840.

(b) In lieu of maps, the average terrain elevation may be computer generated, using elevations from a 30 second point or better topographic data file such as those available for the U.S. Geological Survey's National Geographic Information Center or the National Oceanic and Atmospheric Administration's National Geophysical Data Center. In case of dispute maps will be used to determine the correct value.

§ 80.759 Average terrain elevation.

(a)(1) Draw radials from the antenna site for each 45 degrees of azimuth starting with true north. Any such radial which extends entirely over land from the antenna site to the point of +17 dBu field strength need not be drawn.

(2) If the distance from the antenna site to the point of +17 dBu field strength between any of the 45 degrees radials would be less than the distances calculated along these radials, an additional radial between such adjacent radials must be plotted and calculations made in each case. Each additional radial must be that radial along which it appears by inspection that transmission loss would be greatest.

(b) Draw a circle of 10 statute mile radius using the antenna site as the center. Divide each radial into 0.2 statute mile increments inside the circumference to the 2.0 statute mile point.

(c) Calculate the height above sea level of each 0.2 statute mile division by interpolating the contour intervals of the map, and record the value.

(d) Average the values by adding them and dividing by the number of readings along each radial.

(e) Calculate the height above average terrain by averaging the values calculated for each radial.

§ 80.761 Conversion graphs.

The following graphs must be employed where conversion from one to the other of the indicated types of units is required.

(a) Graph 1. To convert effective radiated power in watts to dBk or to dBW, find the power in watts on the horizontal axis. Move vertically along the line representing the power to the diagonal line. Move horizontally from the diagonal to the right side to read dBW and to the left to read dBk.

(b) Graph 2. To convert microvolts across 50 ohms to received power in dBW, find the signal in microvolts on the horizontal axis. Move vertically to the diagonal line, then move right horizontally to read dBW.

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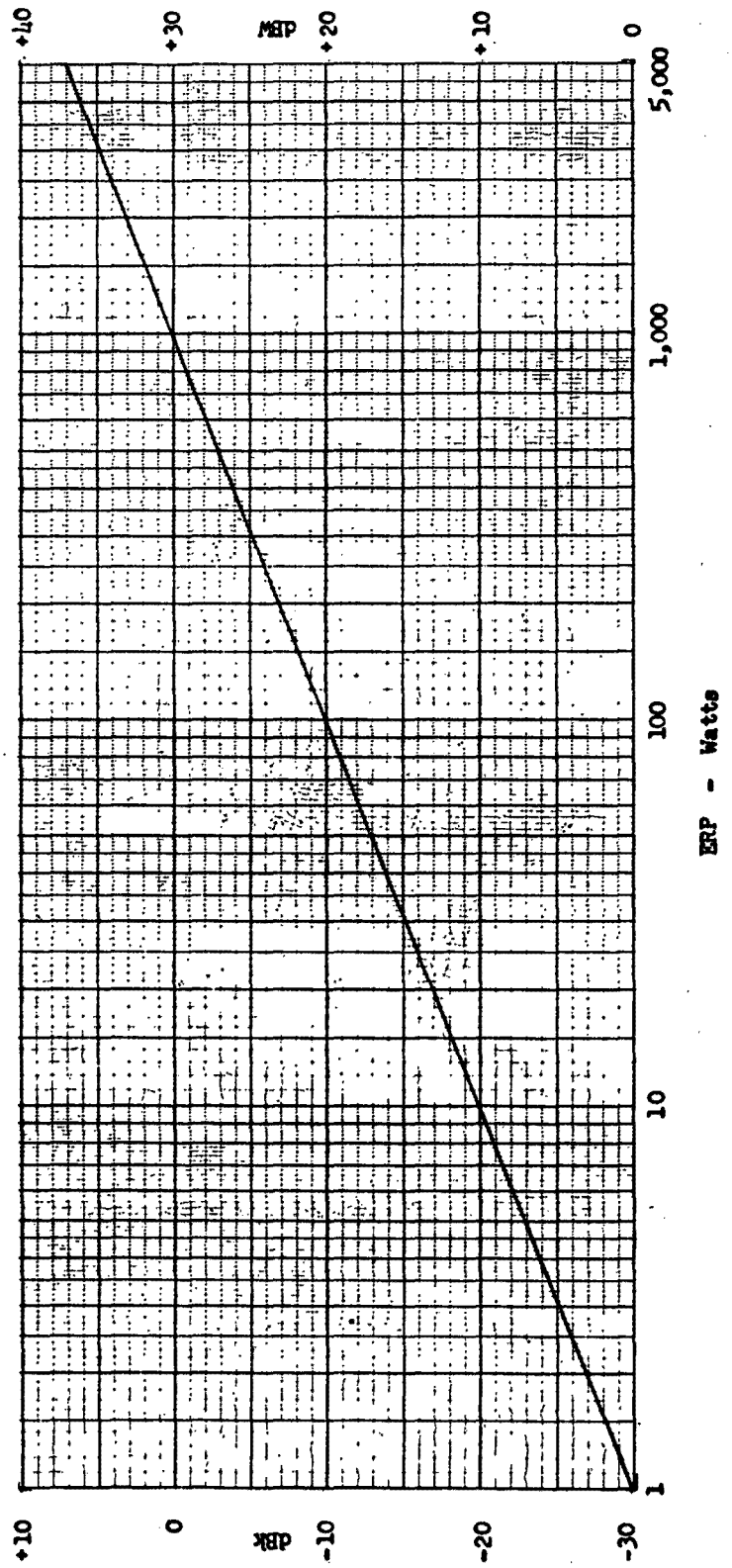
Graph 1

EFFECTIVE RADIATED POWER (ERP)

Translation: ERP to dBk 0 dBk = 1,000 Watts
ERP to dBW 0 dBW = 1 Watt

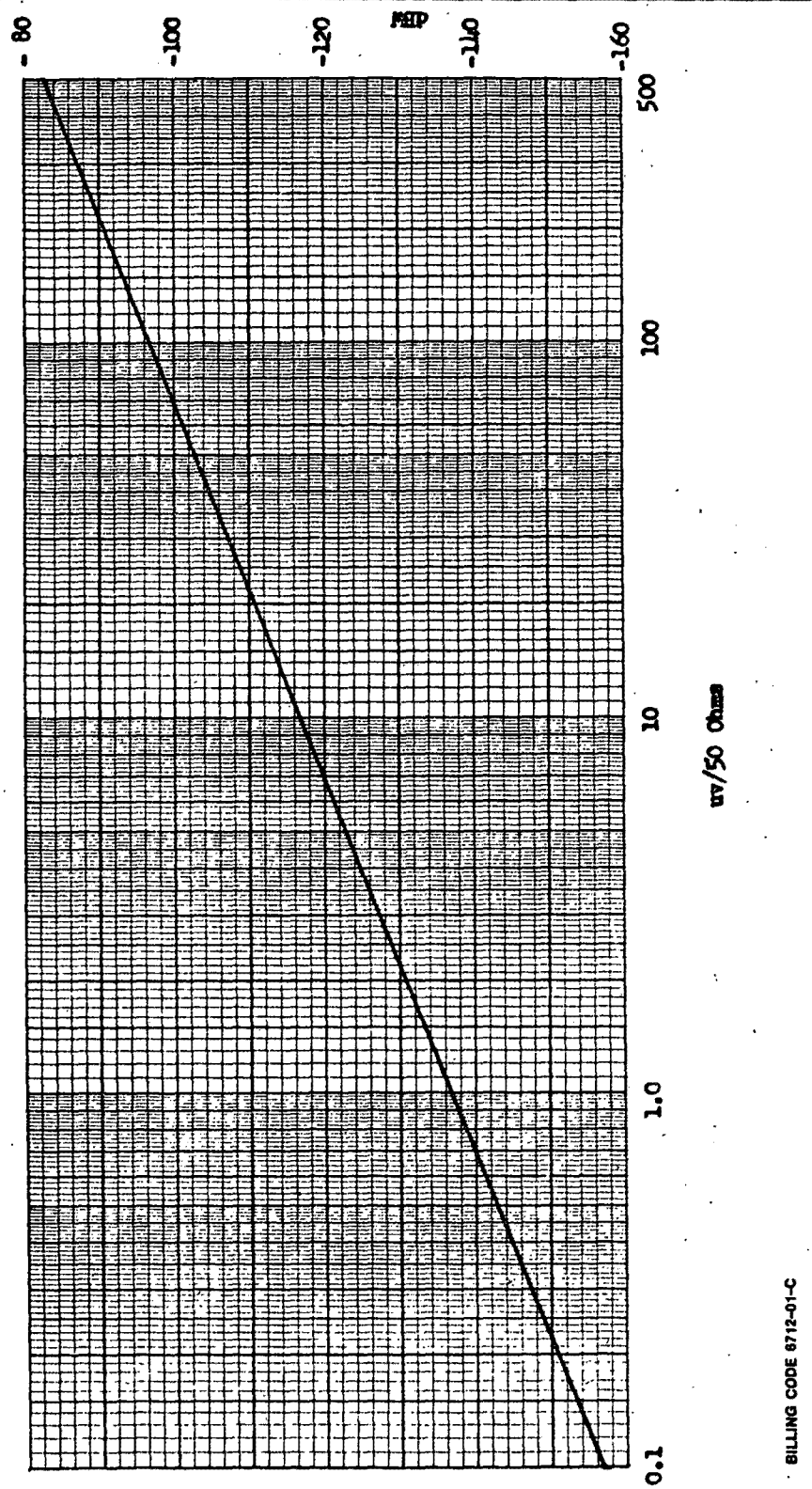


Graph 2

RECEIVED POWER

Translation: dBW to uv/50 Ohms
uv/50 Ohms to dBW

0 dBW = 1 Watt



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(c) Graph 3. To convert received power in dBW to field intensity in dBu find the received power in dBW on the horizontal axis. Move vertically to the diagonal line, then move right horizontally to read dBu.

BILLING CODE 6712-01-M

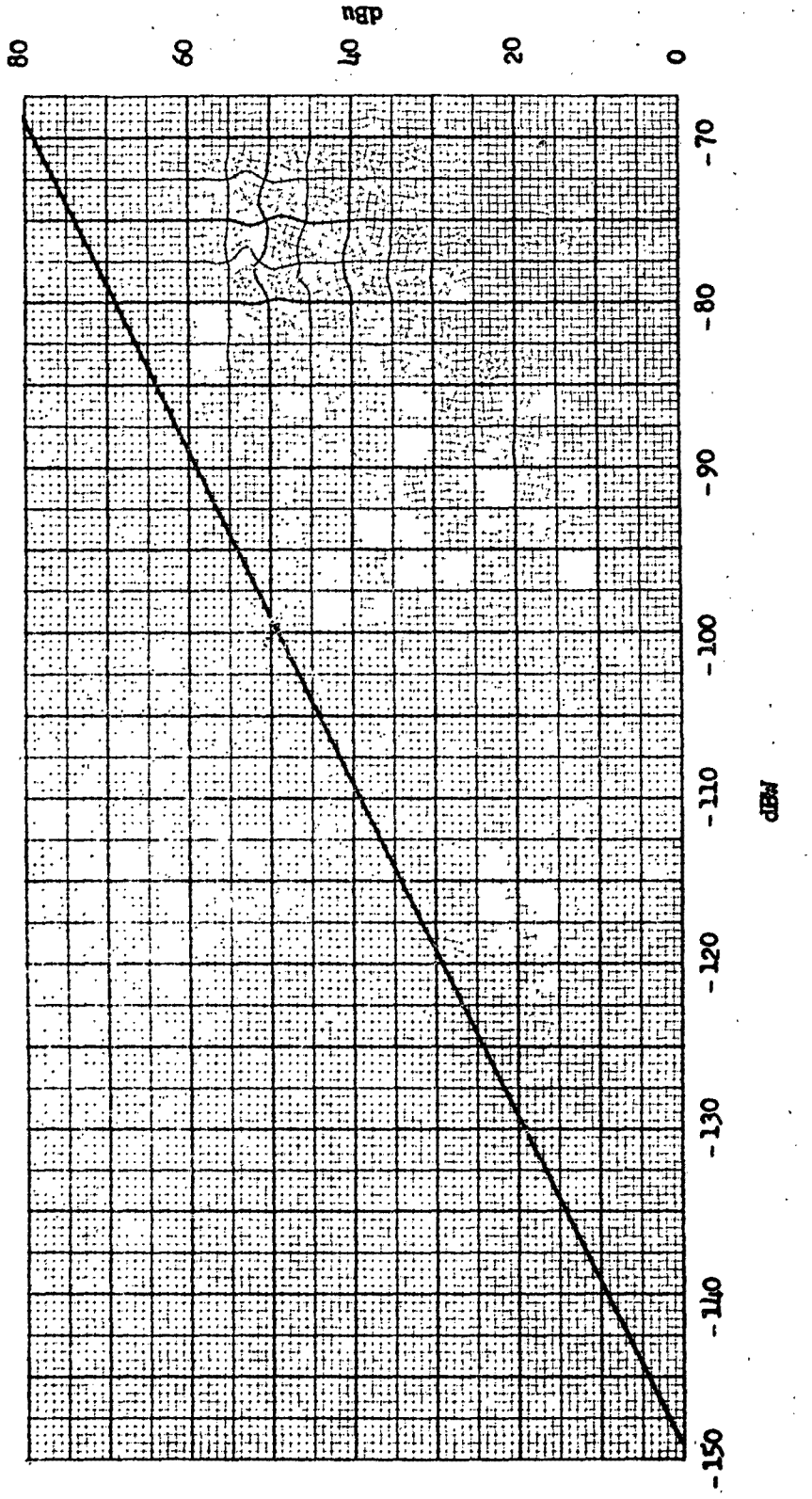
Graph 3

FIELD INTENSITY VS RECEIVED POWER

For Half-Wave Dipole

Received Power in uv/50 Ohms

0 dBW = 1 Watt
0 dBu = 1 microvolt/meter



BILLING CODE 6712-01-C

§ 80.763 Effective antenna height.

The effective height of the antenna is the vertical distance between the center of the radiating system above the mean sea level and the average terrain elevation.

§ 80.765 Effective radiated power.

Effective radiated power is used in computing the service area contour. The effective radiated power is derived from the transmitter output power, loss in the transmission system including duplexers, cavities, circulators, switches and filters, and the gain relative to a half-wave dipole of the antenna system.

§ 80.767 Propagation curve.

The propagation graph, § 80.767 Graph 1, must be used in computing the service area contour. The graph provides data for field strengths in dBu for an effective radiated power of 1 kW, over sea water, fresh water or land (smooth earth); transmitting antena heights of 4,800, 3,200, 1,600, 800, 400, 200, and 100 feet; based on a receiving antenna height of 9 meters (30 feet), for the 156–162 MHz band. The use of this is described in this section.

(a) Calculate the effective radiated power of the coast station, Ps in dB referred to 1 kW (dBk), as follows:

$$Ps = Pt + G - L$$

where,

Pt = Transmitter output power in dB referred to 1 kW: Transmitter output power in watts is converted to dBk by Pt = 10 [log10 (Power in watts)] − 30. Also see § 80.761 Graph 1 for a conversion graph.

G = Antenna gain in dB referred to a standard half-wave dipole, in the direction of each plotted radial, and

L = Line losses between the transmitter and the antenna, in dB.

Note.—To determine field strengths where the distance is known, for effective radiated powers other than 1kW (0 dBk): Enter the graph from the "statute miles" scale at the known distance, read up to intersection with the curve for the antenna height, read left to the "dBu for 1 kW radiated" scale and note the referenced field strength (Fe). The value of the actual field strength (F) in dBu will be F = Fe + Ps where Ps is the effective radiated power calculated above.

Note.—To determine distance, where the actual field strength is specified, for effective radiated powers other than 0 dBk: The value of the field referenced strength will be Fe = F − Ps in dBu. Enter the graph, from the "dBu for 1 kW radiated" scale at the corrected value of Fe, read right to intersection with the antenna height, read down to "statute miles" scale.

(b) Determine the antenna height. For antenna heights between the heights for which this graph is drawn, use linear interpolation; assume linear height-gain for antennas higher than 4,800 feet.

(c) For receiver antenna heights lower than 9 meters (30 feet), assume that the field strength is the same as at 9 meters (30 feet).

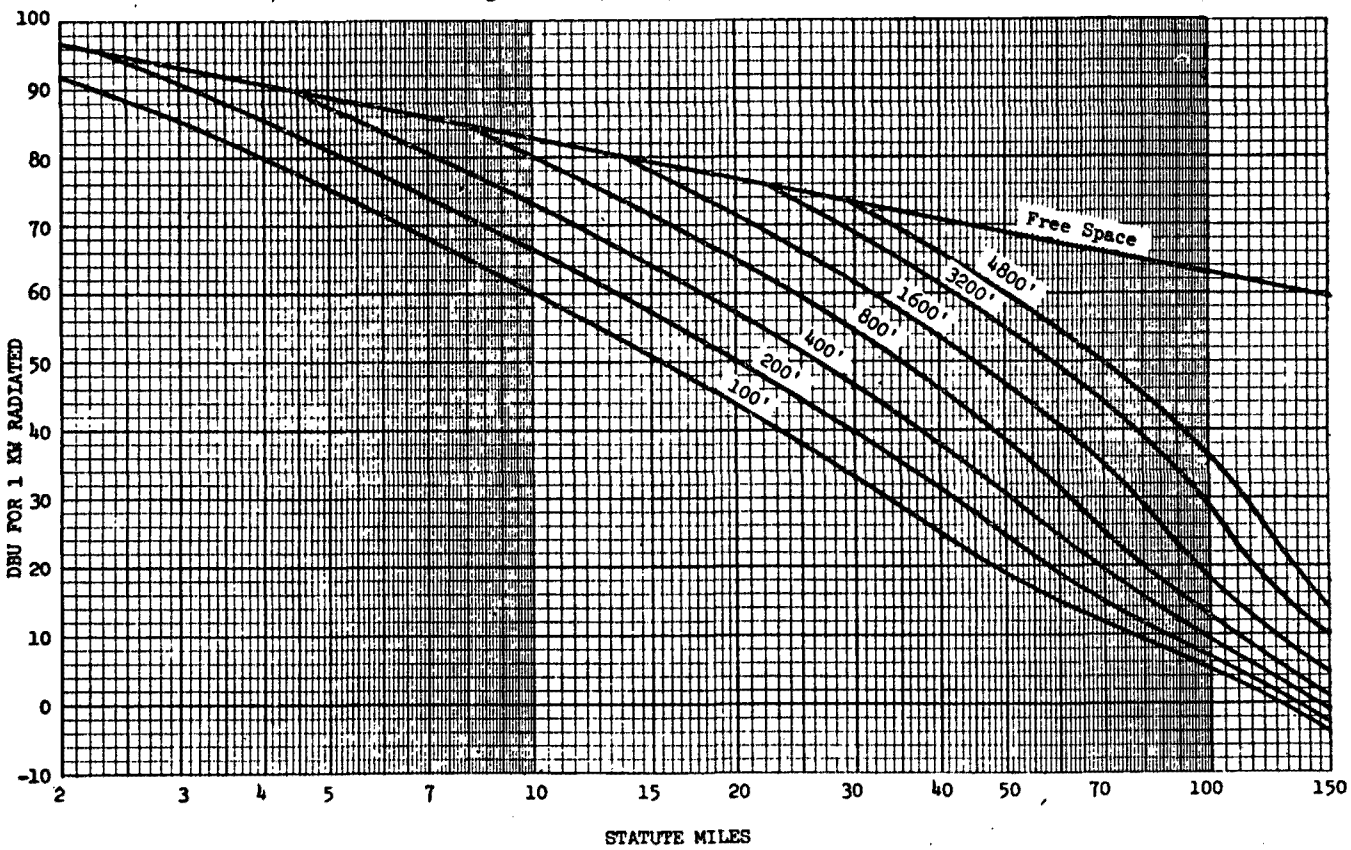
(d) Assume that propagation over fresh water or over land is the same as that over sea water.

Graph 1

PROPAGATION CURVES FOR THE VHF MARITIME MOBILE RADIO SERVICE
Seawater, Fresh Water Or Land (Smooth Earth)

Field Strengths, In dB From 1 Microvolt Per Meter (dBu), For An Effective Radiated Power Of 1 KW.

Vessel Antenna Height = 30 Feet.
Coast Antenna Heights: 4800, 3200, 1600, 800, 400, 200 and 100 Feet.



§ 80.769 Shadow loss.

Where the transmission path is obstructed the received signal must be adjusted to include shadow loss. Attenuation due to shadowing must be taken from § 80.769 Graph 1, as follows:

(a) Inspect the map(s) to determine if a hill(s) obstructs an imaginary line of sight (dashed line on illustrative profiles of § 80.769 Graph 1 from the average terrain elevation at the coast station antenna to the water level at the ship location. If average terrain elevation exceeds the actual ground elevation at the antenna site, the latter elevation must be used as the average terrain elevation.

(b) If a hill appears to obstruct the radio path, plot the antenna site elevation, the obstruction elevation and the height of the ship station on rectangular coordinate paper using elevation above mean sea level as the vertical scale and distance in statute miles as the horizontal scale. Then draw a straight line between the antenna and the ship.

(c) If a hill obstructs the imaginary line of sight, determine its height (H) above the imaginary line and its distance (D) from either the coast or ship station, whichever is nearer, as illustrated by examples "A" and "B" on Graph 1.

(d) Read the shadow loss from this Graph 1 and subtract that loss from the computed received signal.

(e) Where more than one hill obstructs the transmission path, determine the height and position of a single equivalent hill, as illustrated by example "C" on this graph. Read the shadow loss from this graph for the equivalent hill.

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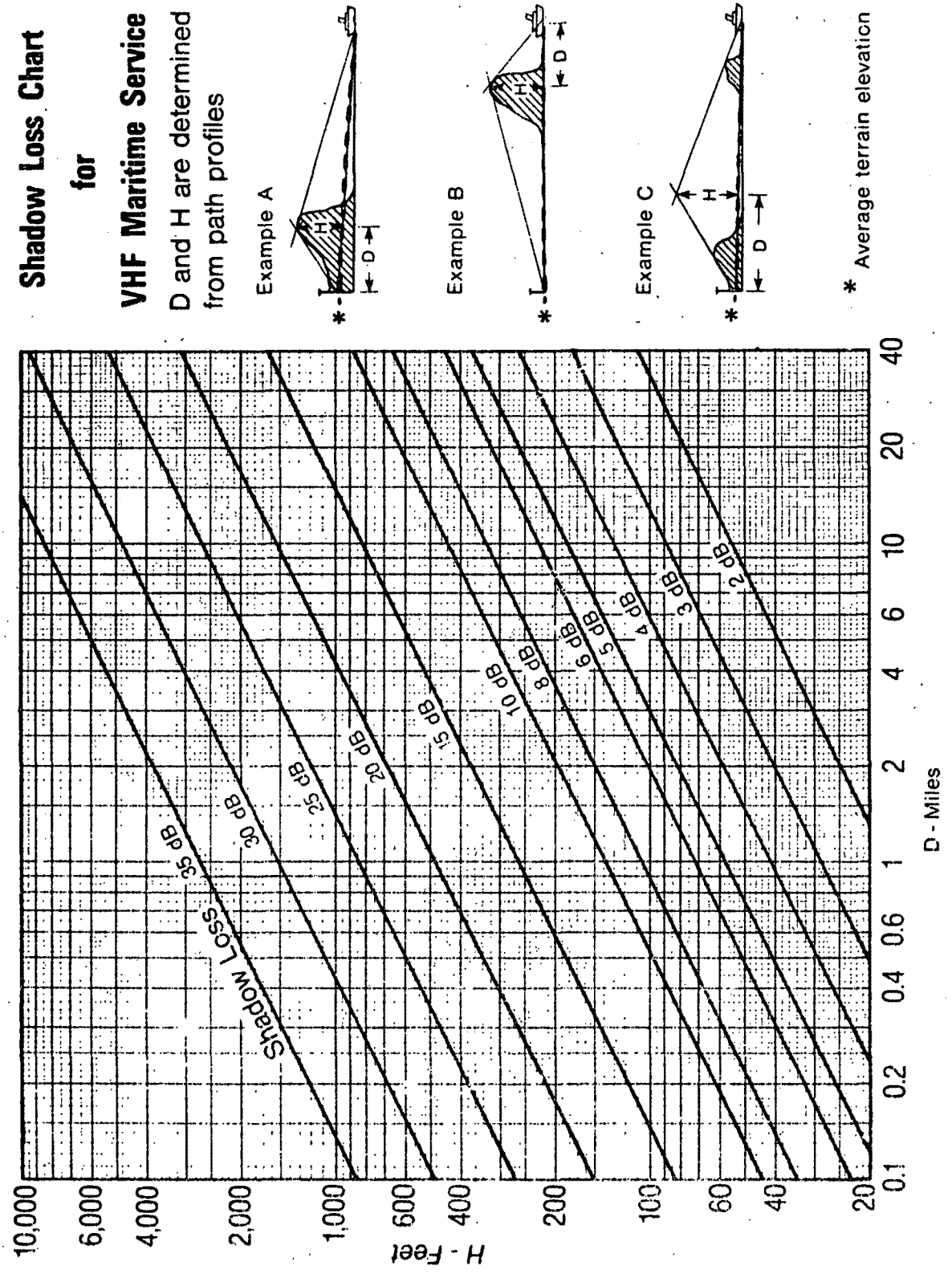
Graph 1



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§ 80.771 Method of computing coverage.

Compute the +17 dBu contour as follows:

(a) Determine the effective antenna height above mean sea level according to the procedures in § 80.757–§ 80.761.

(b) Determine the effective radiated power according to § 80.765. Determine for each radial the distance from the antenna site to the +17 dBu point of field strength using procedures of § 80.765 and § 80.767.

(c) Plot on a suitable map each point of +17 dBu field strength for all radials and draw the contour by connecting the adjacent points by a smooth curve.

§ 80.773 Ratio of desired to undesired signal strengths.

Where a frequency is shared the ratio of desired to undesired signal strengths must be at least 12 dB within the service area of a station.

STATIONS ON SHIPBOARD

Subpart Q—Compulsory Radiotelegraph Installations for Vessels 1600 Gross Tons

§ 80.801 Applicability.

The radiotelegraph requirements of Part II of Title III of the Communications Act apply to all passenger ships irrespective of size and cargo ships of 1600 gross tons and upward. The Safety Convention applies to such ships on international voyages. These ships are required to carry a radiotelegraph installation complying with this Subpart.

§ 80.802 Inspection of station.

(a) Every ship of the United States subject to Part II of Title III of the Communications Act or the radio provisions of the Safety Convention must have the required equipment inspected at least once every 12 months. If the ship is in compliance with the requirements of the Safety Convention, a Safety Certificate will be issued; if in compliance with the Communications Act, the license will be endorsed accordingly.

(1) The effective date of ship safety certificates is the date the station is found to be in compliance or not later than one business day later.

(2) At inspection, the minimum field strength capability of the main installation and reserve installation when connected to the main antenna may be shown by the licensee by either producing a record of communications on 500 kHz over a minimum distance of 200 nautical miles for the main installation and 100 nautical miles for the reserve installation which demonstrates the transmission and reception of clearly perceptible signals from ship to ship by day and under normal conditions and circumstances, or providing documentation by a professional engineer not affiliated with the licensee or its service company that the installation produces at one nautical mile a minimum field strength of thirty (30) millivolts per meter for the main installation and ten (10) millivolts per meter for the reserve installation.

(b) Certificates issued in accordance with the Safety Convention must be posted in a prominent and accessible place in the ship.

§ 80.804 Radio station.

The required radio station must comply with the provisions of this subpart in addition to all other applicable requirements of this part. The radio station consists of a radiotelegraph station and a ship radar station. The radiotelegraph station comprises a main and a reserve radiotelegraph installation, electrically separate and electrically independent of each other except as otherwise provided in paragraph (b) of § 80.805, a radiotelephone installation and such other equipment as may be necessary for the proper operation of these installations. The ship radar station comprises a radar installation and such other equipment and facilities as may be necessary for its proper operation.

§ 80.805 Radio installations.

(a) The main radiotelegraph installation includes a main transmitter, a main receiver, a main power supply, a main antenna system and a 2182 kHz radiotelephone distress frequency watch receiver.

(b) The reserve radiotelegraph installation includes a reserve transmitter, a reserve receiver, a reserve power supply, emergency electric lights and reserve antenna system: except that:

(1) In installations on cargo ships of 300 gross tons and upwards but less than 1,600 gross tons, and in installations on cargo ships of 1,600 gross tons and upwards installed prior to November 19, 1952, if the main transmitter complies with all the requirements for the reserve transmitter, the latter may be omitted.

(2) A cargo ship the keel of which was laid prior to June 1, 1954, may either be equipped with a reserve antenna or provided a spare antenna consisting of a single-wire transmitting antenna (including suitable insulators) completely assembled for immediate installation.

(c) The medium frequency radiotelephone installation includes a radiotelephone transmitter, a radiotelephone receiver and an appropriate antenna system.

§ 80.806 Requirements of main installation.

All main radiotelegraph installations must meet the following requirements:

(a) The main antenna must be installed and protected to ensure proper operation of the station. Effective October 14, 1986, the main antenna energized by the main transmitter on the frequency 500 kHz must produce at one nautical mile a minimum field strength of thirty (30) millivolts per meter. If the main antenna is suspended between masts or other supports liable to whipping, a safety link must be installed which, under heavy stress, will reduce breakage of the antenna, the halyards, or any other antenna-supporting elements.

(b) The main transmitter must be capable of meeting the requirements of § 80.253.

(c) The main receiver must efficiently receive A1A and A2A emission on all frequencies within the bands 100–200 kHz and 405–535 kHz. It must have headphones capable of effective operation. The main receiver must have sufficient sensitivity to effectively operate headphones or a loudspeaker when the receiver input is 50 microvolts.

(d) The main power supply must simultaneously (1) energize the main transmitter at its required antenna power, and the main receiver, (2) charge at any required rate all batteries forming part of the radiotelegraph station, and (3) charge the main power supply for this purpose at all times including times of inspection. Under this load condition the voltage of the main power supply at the radio room terminals must not deviate from its rated value by more than 10 percent on vessels completed on or after July 1, 1941, nor by more than 15 percent on vessels completed before that date. While at sea, batteries forming part of the main installation must be fully charged daily.

(e) To measure voltage(s) of the main power supply at its radio room terminals, voltmeter(s) must be permanently installed in the radiotelegraph operating room.

(f) The main installation must be provided with a device permitting changeover from transmission to reception and vice versa without manual switching.

(g) The main installation must be capable of being quickly connected with and tuned to the main antenna and the reserve antenna if one is installed.

§ 80.807 Requirements of radiotelephone installation.

All radiotelephone installations in radiotelegraph equipped vessels must meet the following conditions.

(a) The radiotelephone transmitter must be capable of transmission of A3E or H3E emission on 2182 kHz and must be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions over a range of 150 nautical miles when used with an antenna system in accordance with paragraph (c) of this section. The transmitter must:

(1) Have a duty cycle which allows for transmission of the radiotelephone alarm signal described in § 80.221.

(2) Provide 25 watts carrier power for A3E emission or 60 watts peak power on H3E emission into an artificial antenna consisting of 10 ohms resistance and 200 picofarads capacitance or 50 ohms nominal impedance to demonstrate compliance with the 150 nautical mile range requirement.

(3) Have a visual indication whenever the transmitter is supplying power to the antenna.

(4) Have a two-tone alarm signal generator that meets § 80.221.

(5) The radiotelephone transmitter required by this paragraph may be contained in the same enclosure as the receiver required by paragraph (b) of this section. Additionally, these transmitters may have the capability to transmit J3E emissions.

(b)(1) The radiotelephone receiver must receive A3E and H3E emissions when connected to the antenna system specified in paragraph (c) this section and must be preset to 2182 kHz. The receiver must additionally:

(i) Provide an audio output of 50 milliwatts to a loudspeaker when the RF input is 50 microvolts. The 50 microvolt input signal must be modulated 30 percent at 400 Hertz and provide at least a 6 dB signal-to-noise ratio when measured in the rated audio bandwidth.

(ii) Be equipped with one or more loudspeakers capable of being used to maintain a watch on 2182 kHz at the principal operating position or in the room from which the vessel is normally steered.

(2) The receiver required by § 80.805 may be used instead of this receiver. If the watch is stood at the place from which the ship is normally steered, a radiotelephone distress frequency watch receiver must be used for this purpose.

(3) This receiver may be contained in the same enclosure as the transmitter required by paragraph (a) of this section. Additionally, these receivers may have the capability to receive J3E emissions.

(c) The antenna system must be as nondirectional and efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of the required antenna must ensure, insofar as is practicable, proper operation in time of emergency. If the required antenna is suspended between masts or other supports subject to whipping, a safety link must be installed which under heavy stress will reduce breakage of the antenna, the halyards, or any other supporting elements.

(d) The radiotelephone installation must be provided with a device for permitting changeover from transmission to reception and vice versa without manual switching.

(e) An artificial antenna must be provided to permit weekly checks, without causing interference, of the automatic device for generating the radiotelephone alarm signal on frequencies other than the radiotelephone distress frequency.

(f) The radiotelephone installation must be located in the radiotelegraph operating room or in the room from which the ship is normally steered.

(g) Demonstration of the radiotelephone installation may be required by Commission representatives to show compliance with applicable regulations.

(h) The radiotelephone installation must be protected from excessive currents and voltages.

(i) The radiotelephone installation must be maintained in an efficient condition.

§ 80.808 Requirements of reserve installation.

(a) All reserve radiotelegraph installations must comply with the following conditions, in addition to all other requirements:

(1) The reserve installation must be capable of being placed in operation within a maximum time of 1 minute.

(2) The reserve antenna must be installed and protected to ensure proper operation in time of an emergency.

(3) Effective October 14, 1986, the main antenna energized by the reserve transmitter on 500 kHz must produce at one nautical mile a minimum field strength of ten (10) millivolts per meter.

(4) The reserve transmitter must meet the requirements of § 80.255.

(5) The reserve receiver must receive A1A and A2B emissions on all frequencies within the band 405–535 kHz. It must have headphones. Additionally a loudspeaker may be provided for use in accordance with the provisions of § 80.313. The reserve receiver must be able to operate headphones or a loudspeaker when the receiver RF input is 100 microvolts.

(6) The reserve installation must be capable of being quickly connected with and tuned to the main antenna, and the reserve antenna if one is installed.

(7) Emergency electric lights, energized solely by the reserve power supply and connected to it through individual fuses must be provided. The emergency electric lights must illuminate the operating controls of the main and reserve radiotelegraph installations and the radio station clock. The emergency lighting circuits must avoid excessive voltage to the emergency lights during the charging of any batteries forming part of the reserve installation. The provisions of this paragraph do not preclude the use of any other power supply for energizing these lights solely as an additional provision. If a separate emergency radiotelegraph operating room is provided, the requirements of this paragraph apply to it.

(8) The emergency electric lights must be controlled by two-way switches placed near the main entrance to the radiotelegraph operating room and at the radiotelegraph operating position, in all cases where the distance between these points is greater than 8 feet. This requirement applies to stations which replace, or initially install the main or reserve radiotelegraph transmitter on and after May 26, 1965.

(9) There must be readily available under normal load conditions a reserve power supply for the reserve installation which must be independent of the propelling power of the ship and of any other electrical system. The reserve power supply must simultaneously energize the reserve transmitter at its required antenna power and the reserve receiver for at least 6 hours continuously under normal working conditions, and energize the automatic-alarm-signal keying device continuously for a period of 1 hour.

(10) The reserve power supply may be used to energize the following apparatus provided it has adequate capacity:

(i) The audible warning apparatus included as a component of an approved radiotelegraph auto alarm;

(ii) The VHF installation required by Subpart R of this chapter simultaneously with the reserve transmitter in the case of distress, urgency and safety communications;

(iii) The VHF installation required by Subpart R of this chapter alternately with the reserve transmitter. A switching device must be fitted to ensure alternate operation only in the

case of distress, urgency and safety communications;

(iv) The radiotelephone alarm signal generator;

(v) The bridge-to-bridge VHF radiotelephone installation required by Subpart U of this chapter.

(11) The reserve power supply must be located as near to the reserve transmitter and reserve receiver as is practicable and must comply with all applicable rules and regulations of the United States Coast Guard. The switchboard of the reserve power supply must wherever possible, be situated in the radiotelegraph operating room. If it is not, it must be illuminated.

(12) All reserve power supply circuits must be protected from overloads.

(13) Means must be provided for charging any batteries forming a part of the reserve installation, and such batteries must be maintained in a fully charged condition daily while at sea. There must be a device which, during charging of the batteries, gives a continuous indication of the rate and polarity of the charging current.

(14) The cooling system of each internal combustion engine used as a part of the reserve power supply must be protected to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel.

(b)(1) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative must demonstrate that the reserve installation satisfies the 6-hour operating requirement of law.

(2) When the reserve power supply includes a battery, proof of the ability of such battery to operate continuously and effectively for 6 hours can be established by a discharge test over a prescribed period of time, when supplying power at the voltage required for normal operation to an electrical load as prescribed by paragraph (b)(4).

(3) When the reserve power supply includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively for 6 hours may be established by measuring the fuel consumption during 1 hour when supplying power, at the voltage required for normal operation, to an electrical load as prescribed by paragraph (b)(4).

(4) To determine the electrical load to be supplied by the reserve power supply, the following formula must be used:

(i) One-half of the reserve transmitter current with the key closed; plus

(ii) One-half of the reserve transmitter current with the key open; plus

(iii) One sixth of the current of the automatic radiotelegraph alarm signal keying device when this device is energized; plus

(iv) Current of the reserve receiver; plus

(v) Current of emergency lights; plus

(vi) Current of the bridge-to-bridge transceiver when connected.

(5) At the conclusion of the tests specified in paragraphs (b) (2) and (3) of this section, no part of the reserve power supply must have an excessive temperature rise, nor must the specific gravity or voltage of the battery be below the 90 percent discharge point.

§ 80.809 Routing of power supply wiring.

The conductors connecting the main power supply to the main installation, the reserve supply to reserve installation and the radar power supply to the ship radar station, must be routed to ensure adequate protection from overload, mechanical injury and be kept clear of electrical grounds.

§ 80.810 Use of reserve installation.

The reserve transmitter, and the reserve power supply for the reserve transmitter, are primarily for safety and test communication. This equipment may be used for other communication for a period not to exceed 1 hour per day in the aggregate. The reserve receiver, and the reserve power supply for the reserve receiver if a battery, may be used at any time to maintain a safety watch if such use will not reduce the capabilities of the reserve power supply to energize the associated component or components of the reserve installation for at least 6 consecutive hours.

§ 80.811 Tests of reserve installation and automatic-alarm-signal keying device.

(a) The condition of the reserve installation and of the automatic alarm signal keying device must be determined (with the exception noted in paragraph (b) of this section) prior to the vessel's departure from each port and on each day the vessel is outside of a harbor or port. If the vessel is in two or more ports within one day, the required tests need be made only once. If the vessel is in port for less than one day, the required test for that day may be made before arrival or after departure. The following tests must be made and the results entered in the radiotelegraph station log:

(1) Check the reserve power supply as follows:

(i) Test battery charging circuits for correct polarity and charging rate:

(ii) In the case of lead-acid batteries, determine the specific gravity of the electrolyte.

(iii) In the case of other types of batteries, take voltage readings under normal battery load.

(iv) When an engine-driven generator is used, check the quantity of fuel in the fuel tank;

(2) Test the emergency lighting circuits and emergency electric lights by actual operation;

(3) Test the reserve receiver, while energized by the reserve power supply, by actual operation and comparison of received signals with similar signals received by the main receiver;

(4) On days when not used for communication, the reserve transmitter energized by the reserve power supply must be tested by actual operation when connected to the main antenna, an artificial antenna or a reserve antenna.

(5) If installed, the reserve antenna must be used at least once each voyage, noting antenna currents;

(6) Test the automatic-alarm-signal keying device for correct timing adjustment of the keying mechanism. *Do not transmit when making this test.*

(b) In the case of vessels loading or discharging flammable, unstable or dangerous cargo, or while berthed at oil terminals or in other comparable areas, predeparture transmitter tests need not be made. In such cases, the provisions of paragraph (a)(4) of this section, in connection with predeparture tests, do not apply if a suitable explanation is entered in the radio station log.

§ 80.812 Automatic-alarm-signal keying device.

The required radiotelegraph station includes one or more devices, of a type accepted by the Commission in accordance with Subpart F of this part capable of automatically operating the normal keying circuits of a required radiotelegraph transmitter to transmit the international radiotelegraph alarm signal.

§ 80.813 Installation of automatic-alarm-signal keying device.

(a) The automatic radiotelegraph alarm signal keyer must be installed in the radiotelegraph operating room. It must be possible to key, nonsimultaneously, the main transmitter and the reserve transmitter, and to permit the device to be taken out of operation at any time in order to permit immediate manual transmitter operation. Only one control must be provided for each automatic alarm signal keying device. This control must be located in the radiotelegraph operating room.

(b) The required automatic radiotelegraph alarm signal keying

device must be capable of operating efficiently for a continuous period of 1 hour when energized solely by the reserve power supply.

§ 80.814 Radiotelegraph auto alarm.

An auto alarm which is installed and used on board a cargo ship of the United States pursuant to the provisions of § 80.315 comprises a complete receiving, selecting and warning device of a type accepted by the Commission in accordance with section 3(x) of the Communications Act, capable of being actuated automatically by intercepted radio frequency waves forming the international radiotelegraph alarm signal.

§ 80.815 Installation of radiotelegraph auto alarm.

Installation of a radiotelegraph auto alarm must comply with the following conditions.

(a) The auto alarm must be located in the radiotelegraph operating room and be installed and protected to insure proper operation. The radiotelegraph auto alarm system must be operated from the radiotelegraph operating room. A switch must be provided to: (1) Transfer the main antenna from all other equipment and connect it to the radiotelegraph auto alarm receiver and place the auto alarm in service and, back to the original configuration A voltmeter must be provided for the determining that the supply voltages are within the operating limits.

(b) The auto alarm must give an audible warning in the radiotelegraph operating room, in the radio officer's cabin, and on the navigating bridge. The alarm must operate continuously after the alarm has been actuated by a radiotelegraph alarm signal or by failure of the system, until manually turned off. Only one switch for stopping the alarm is authorized, and this must be located in the radiotelegraph operating room and be capable of manual operation only. However ships operating under the general exemption of § 80.836(c) may install an additional switch on the bridge for stopping the warning apparatus.

(c) Failure of the auto alarm if of a type approved prior to July 23, 1951, to function normally due to prolonged interference must operate a visual indicator on the bridge. The type and method of installation of such visual indicator must comply with the requirements of the U.S. Coast Guard.

(d) The power supply voltage of an auto alarm must be maintained within definite upper and lower limits. The power supply must have an auxiliary device which: (1) Will energize the alarm if this power supply fails or its voltage exceeds the limits specified for the particular type of auto alarm involved; or (2) will automatically connect the auto alarm to an auxiliary power supply, the voltage of which is within the specified limits.

§ 80.817 Tests of radiotelegraph auto alarm.

(a) The radio officer must at least once every 24 hours while the ship is in the open sea:

(1) Test the auto alarm by using the testing device to determine whether the auto alarm will respond to not less than 4 nor more than 12 consecutive dashes having an approximate duration of 4 seconds and an approximate spacing of 1 second.

(2) Determine the proper functioning of the auto alarm receiver while connected to its normal antenna, by actual operation and comparison of received signals with similar signals received on 500 kHz by the main receiver.

(b) If the auto alarm is not in proper operating condition, the radio officer must report that fact to the master or officer on watch on the bridge.

(c) A statement that the tests specified in this section have been made, and the results of such tests, must be inserted in the radiotelegraph station log.

§ 80.818 Direction finding and homing equipment.

Each compulsory ship of 1,600 gross tons or over whose keel was laid:

(a) *Prior to May 25, 1980,* must be equipped with radio direction finding apparatus in operating condition and approved by the Commission during an inspection.

(b) *On or after May 25, 1980,* must be equipped with radio direction finding apparatus having a homing capability in operating condition and approved by the Commission during an inspection.

§ 80.819 Requirements for radio direction finder.

(a) To be approved by the Commission during an inspection the radio direction finding apparatus must:

(1) Be capable of receiving signals A1A, A2B and R2B emission, on each frequency within the band 285–515 kHz assigned by the Radio Regulations for distress and direction finding and for maritime radio beacons, and be calibrated to take bearings on such signals from which the true bearing and direction may be determined; and

(2) Possess a sensitivity, sufficient to permit the taking of bearings on a signal having a field strength of 50 microvolts per meter.

(b) The calibration of the direction finder must be verified by check bearings or by a further calibration whenever any changes are made in the physical or electrical characteristics or the position of any antennas, and whenever any changes are made in the position of any deck structures which might affect the accuracy of the direction finder. In addition, the calibration must be verified by check bearings at yearly intervals. A record of the calibrations, and of the check bearings made of their accuracy and the accuracy of the check bearings must be kept on board the ship for a period of not less than 1 year.

§ 80.820 Auxiliary receiving antenna.

An auxiliary receiving antenna must be provided when necessary to avoid unauthorized interruption or reduced efficiency of the required watch because the normal receiving antenna is not available because a radio direction finder on board the vessel is operated.

§ 80.821 Installation of direction finder.

(a) The direction finder must be located to minimize interference from noise.

(b) The direction finder antenna system must be erected so that the determination of bearings will not be hindered by the proximity of other antennas, cranes, wire halyards, or large metal objects.

§ 80.822 Contingent acceptance of direction finder calibration.

(a) When the required calibration can not be made before departure from a harbor or port for a voyage in the open sea, the direction finder may be tentatively approved on condition that the master certifies in writing that the direction finder will be calibrated by a competent technician; and

(b) In the absence of acceptable calibration at the time of the subsequent inspection the Commission may withdraw approval of the direction finder until such evidence is available.

§ 80.823 Check bearings by authorized ship personnel.

The requirement for calibration by check bearings is met if:

(a) The required verification by check bearings are made not more than 90 days prior to the date of the annual detailed inspection of the radiotelegraph station;

(b) The verification consists of a comparison of simultaneous visual and radio direction finder bearings. At least one comparison bearing must be taken in each quadrant, within plus or minus 20 degrees from the following bearings

relative to the ship's heading: 45 degrees; 135 degrees; 225 degrees; 315 degrees;

(c) The verification shows the visual bearing relative to the ship's heading and the difference between the visual and radio direction finder bearing, and the date each check bearing is taken.

§ 80.824 Homing facility requirements.

(a) Direction finding equipment used on compulsory vessels whose keel was laid on or after May 25, 1980, must additionally have a homing facility which is:

(1) Capable of operating with A1A, A2B, H2B and H8E emission on any frequency in the band 2167–2197 kHz;

(2) Capable of taking direction finding bearings on the radiotelephone distress frequency 2182 kHz without ambiguity of sense within an arc of 30 degrees on either side of the bow;

(3) Installed with due regard to CCIR Recommendation 428–2:

(4) Sufficiently sensitive, in the absence of interference, to take bearings on a signal having a field strength of 25 microvolts per meter;

(5) Capable of determining its accuracy by comparison of visual or calculated bearings and homing facility bearings. Comparisons must be made at −30, 0 and +30 degrees relative to the ships heading to show that the correct sense is indicated.

§ 80.825 Radar installation requirements and specifications.

(a) On ships between 500 and 1,600 gross tons that are constructed on or after September 1, 1984, and are engaged in international voyages, all compulsory ship radars must comply with Regulation 12, Chapter V of the Safety Convention as amended. Performance standards must meet the recommendations in IMO Resolution A.477 (XII).

(b) On ships over 1,600 gross tons all radar installations provided to meet the requirements of the Safety Convention must comply with the following requirements.

(1) The main display position of the radar station must be located in the wheelhouse and the radar must be capable of being switched on and off and operated from that position.

(2) A reflection plotter must be available and facilities for plotting provided as necessary.

(c) On ships over 1,600 gross tons all compulsory ship radar stations must comply with the radar specifications issued by the Radio Technical Commission for Marine Services dated July 18, 1978, in the Final Report of Special Committee No. 65-Ship Radar, as amended by Change 1 to Volume II. These requirements took effect on April 27, 1981, and were not retroactive. These specifications may be obtained from the Commission's copy contractor. The name and address of the current contractor is contained in Section 0.465 of this chapter. The applicable specifications are as follows:

(1) For radar equipment installed after May 25, 1980, "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 1,600 Tons Gross Tonnage and Upwards, For New Radar Installations." This specification including its Appendix A—Design and Testing Specifications—is found in Part I of Volume II of the RTCM SC–65 Final Report.

(2) For equipment installed before May 25, 1980 "Performance Specification for a General Purpose Navigational Radar Set For Oceangoing Ships of 1,600 Tons Gross Tonnage and Upwards for Ships Already Fitted." This specification is found in Part II of Volume II of the RTCM SC–65 Final Report.

(3) Recommendations for tools, test instruments, spares and technical manuals are found in Appendixes I, II, III and IV of Part IV of Volume III of the RTCM SC–65 Final Report.

(d) For ships of 10,000 gross tons or more or any other ship that is required to be equipped with two radar systems, each of these systems must be capable of operating independently and must comply with the specifications referenced in paragraphs (a), (b) and (c) of this section. One of the systems must provide a display with an effective diameter of not less than 340 millimeters (13.4 inches), (16 inch cathode ray tube); and the other system must provide a display with an effective diameter of not less than 250 millimeters (9.8 inches), (12 inch cathode ray tube).

§ 80.826 Interior communication systems.

(a) An interior communicaiton system must be provided between the bridge of the ship and the radiotelegraph operating room in all cases where the radiotelegraph operating room does not adjoin or open onto the navigating bridge structure. An interior communication system must also be provided between the bridge and the location of the radio direction finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. If the operating position of the reserve radio installation is not located in the room normally used for operating the main radio installation, an interior communication system must be separately provided between the bridge and each of these radio operating positions.

(b) If a vessel has more than one location from which it is normally controlled and steered, the interior communication system between the radiotelegraph operating room and bridge must include communication to each such location. The existence at a location of all of the following factors will require that a point of communication be established there: (1) A steering wheel; (2) a compass; (3) an engine order telegraph; (4) control of the whistle; and (5) a wheelhouse enclosure.

(c) Paragraph (b) of this section does not apply to locations established solely for emergency use in event of failure of the normal steering facilities or locations used solely while docking or maneuvering a ship while in port or for brief periods while navigating the ship in close quarters on inland waters.

§ 80.827 Requirements for interior communication systems.

The interior communication systems required by § 80.826 must provide two-way calling and voice communication, be independent of any other communication system in the ship, and be of a type approved by the United States Coast Guard. The location and termination of individual systems is subject to approval by the Commission.

§ 80.828 Radiotelegraph station clock.

A working clock equipped with a sweep seconds hand and having a dial not less than 5 inches in diameter, the face of which is marked to indicate the silence periods prescribed for the radiotelegraph service by the International Radio Regulations, must be provided. It must be securely mounted in the radiotelegraph operating room in such a position that the entire dial can be clearly observed by the radio officer from the normal radiotelegraph operating position, from the operating position where the international radiotelegraph alarm signal would ordinarily be transmitted by hand, and from the position used for testing the auto alarm (if installed). If a separate emergency radiotelegraph operating room is provided, the requirements of this section apply to it also.

§ 80.829 Survival craft nonportable radiotelegraph installation.

(a) A survival craft nonportable radiotelegraph installation required by law to be provided in a motor lifeboat must include the following components as a minimum:

(1) A transmitting and receiving antenna and antenna accessories,

(2) An artificial antenna for testing purposes;

(3) A transmitter with keying arrangements for use of radiotelegraphy, an associated radio receiver with headphones, and a suitable device for converting from the power supply battery voltage to the voltages used by the transmitter and receiver;

(4) A power supply;

(5) A device for a ground connection to the water when the lifeboat is afloat.

(b) Components of a survival craft nonportable radiotelegraph installation specified in paragraph (a)(2) of this section must be type accepted of § 80.263 and § 80.265.

(c) The radiotelegraph equipment must be installed in a cabin large enough to accommodate both the equipment and the person using it. The operation of the radiotelegraph installation must not be interfered with by the survival craft engine while it is running, whether or not a battery is on charge.

(d) The antenna must be a single wire inverted L type with a horizontal section of the maximum practicable length and a height above the mean waterline of not less than 6 meters (20 feet), and must be so designed that it can be quickly erected and utilized by a person in the lifeboat while afloat.

(e) The ground system must comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat must be grounded to the hull of the lifeboat. The ground connection must be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat;

(2) The radio installation when installed in a lifeboat having a nonmetallic hull must be grounded to a bare plate or strips of corrosion resistant metal having a total area of at least 6 square feet and located on the hull of the lifeboat below the waterline.

(f) When the lifeboat is afloat the installation must be capable of developing an antenna current such that the product of the maximum height of the antenna above the mean surface of the water, expressed in feet, and the r.m.s. antenna current on the frequency 500 kHz, expressed in amperes, is not less than 32.

§ 80.830 Power supply for survival craft nonportable radiotelegraph installation.

(a) The power supply for the survival craft nonportable radiotelegraph installation must consist of a battery capable of operating the survival craft radiotelegraph installation for at least 6 hours continuously under normal working conditions.

(b) The battery may power equipment other than the radiotelegraph installation (except that it must not be used to supply power to any engine starting motor or ignition system) provided such additional use will not adversely affect the required capabilities of the battery. All circuits connected to the battery must be independently fused.

(c) The battery must be kept charged at all times while at sea. The charging of the battery must not require its removal from the survival craft in which it is installed. The necessary charging equipment must not interfere with the launching of the survival craft, and must be easily and quickly removable. The charging circuit for the battery must be routed through the radiotelegraph operating room, and include a device located in the radiotelegraph operating room which will give continuous indication of the polarity and the rate of charge.

(d) Installation must provide for charging of the battery by means of a generator on the survival craft engine.

(e) Subject to approval of the United States Coast Guard, the battery must be mounted in a suitable container that will provide protection from salt water spray and also allow proper ventilation.

§ 80.831 Survival craft portable radiotelegraph equipment.

(a) Survival craft portable radiotelegraph equipment required by law to be provided must be type accepted by the Commission as capable of meeting the provisions of § 80.263 and § 80.265.

(b) The equipment must be stowed in the radio room, bridge or a protected location near a lifeboat and be readily accessible for transfer to a lifeboat. However, in tankers of 3,000 gross tons and over in which lifeboats are fitted amidships and aft, this equipment must be kept in a suitable place in the vicinity of those lifeboats which are farthest away from the ship's main transmitter.

(c) Equipment for totally enclosed lifeboats must meet the extra requirements specified in § 80.265.

§ 80.832 Tests of survival craft radio equipment.

(a) Except for emergency position indicating radio beacons and two-way radiotelephone equipment, inspections and tests of survival craft radio equipment must be conducted by the licensee at weekly intervals while the ship is at sea or, if a test or inspection has not been conducted within a week prior to its departure, within 24 hours prior to the ship's departure from a port. The inspection and tests must include operation of the transmitter connected to an artificial antenna and determination of the specific gravity or voltage under normal load of any batteries.

(b) When the ship is in a harbor or port of the United States an authorized representative of the Commission may require:

(1) Inspection and test of the survival craft radio equipment in the survival craft afloat, including an operational test of the transmitter and receiver connected to the required antenna to determine that the equipment is in operating condition;

(2) Demonstration in accordance with § 80.808 that a battery used as a part of the survival craft nonportable radio installation is capable of energizing the installation for the required 6 hours.

(c) The results of the inspections and test must be made known to the master, and be entered in the ship's radio station log, or in the ship's log if the ship is not provided with a radio station.

§ 80.833 Class S survival craft emergency position indicating radiobeacons (EPIRB's).

(a) Survival craft emergency position indicating radiobeacons, Class S, required to comply with Title 46 of the Code of Federal Regulations must be type accepted to meet the provisions of § 80.1059.

(b) The Class S EPIRB must be stowed in the survival craft.

(c) The Class S EPIRB must be tested at intervals not to exceed twelve months.

(d) Batteries must be replaced after the date specified in § 80.1053(e), or after the transmitter has been used in an emergency situation, whichever is earlier.

§ 80.834 Survival craft portable two-way radiotelephone.

(a) Survival craft portable two-way radiotelephone transceivers must meet the provisions of § 80.271.

(b) The equipment must be stowed in the radio room, on the bridge or in a location readily accessible for transfer to life boats when not being used by shipboard personnel to satisfy the vessel's operational requirements.

(c) When not in routine use the survival craft two-way radiotelephone transceivers must be operationally tested once a week. Operational test should be conducted with equipment separated as far as practical and in the case of UHF equipment must include tests on the frequency 457.525 MHz.

(d) All survival craft two-way radiotelephones associated with a ship must operate in the same frequency band (VHF or UHF).

§ 80.835 Ship and survival craft station spare parts, tools, instruction books, circuit diagrams and testing equipment.

(a) Each ship station must be provided with such spare parts, tools, testing equipment, instruction books and circuit diagrams as will enable the radiotelegraph installation and survival craft station to be maintained in working condition while at sea. Each ship station licensee must compile a list of spare parts, tools, test equipment and circuit diagrams it considers necessary for compliance with this requirement. This list must be available at inspection. The Commission may consider equipment manufacturer lists of recommended spare parts, tools, test equipment and repair circuit diagrams in determining compliance with this subsection. Spare parts for the survival craft station must be kept with that station. Other items must be located convenient to the radio room.

(b) The testing equipment must include an instrument or instruments for measuring A.C. volts, D.C. volts and ohms.

§ 80.836 General and individual ship exemptions.

(a) All U.S. passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radiotelegraph provisions of Title III, Part II of the Communications Act, provided that the vessels are navigated not more than 100 nautical miles from the nearest land and are equipped with a radiotelephone installation fully complying with the provisions of Part III of Title III of the Communications Act and the Commission's rules and regulations including the requirements with respect to certificates, operators and listening watches.

(b) All newly constructed U.S. cargo vessels of 1600 gross tons and upward are exempt from the radiotelegraph and radio direction finding provisions of Part II of Title III of the Communications Act when navigated on sea trials, not more than 150 nautical miles from the nearest land, if the following conditions are met:

(1) The vessel is equipped with a radiotelephone capable of operation on 2182 kHz and equipped with a radiotelephone alarm signal generator. The vessel may carry an additional portable radiotelephone, located in the wheelhouse, equipped with a radiotelephone alarm signal generator to satisfy the radiotelephone alarm signal generator requirement;

(2) The radio direction-finding apparatus is calibrated during the sea trials;

(3) A continous watch is maintained in 2182 kHz whenever the radiotelephone is not being used for authorized traffic during the sea trials; and

(4) The local FCC Engineer in Charge is advised of the dates and routes of the sea trials.

(c) Cargo ships of 1600 gross tons and upward navigated on domestic voyages along the coasts of the contiguous 48 states are exempt from the radio telegraph requirements of Part II of Title III of the Communications Act, if the following criteria are met:

(1) The routes of the voyage are never more than 150 nautical miles from the nearest land.

(2) The ship has a satellite terminal providing both voice and telex.

(3) The ship has a single sideband radiotelephone with voice channels capable of operating on any distress and safety channel in the marine bands.

(4) The ship has a narrow-band direct printing radiotelegraph with SITOR.

(5) The ship has a separate 2182 kHz radiotelephone distress frequency watch receiver with a radiotelephone alarm signal generator.

(6) The ship has at least two VHF transceivers.

(7) The above equipment has provisions for emergency and reserve power sources.

(8) The ship has a 500 kHz auto alarm receiver and the capability of relaying the distress messages received to shore via one of the systems listed above.

(9) The ship participates in the AMVER system.

(10) The ship carries licensed operators to operate and maintain all of the ship's systems used for distress and safety.

(d) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

Subpart R—Compulsory Radiotelephone Installations for Vessels 300 Gross Tons

§ 80.851 Applicability.

The radiotelephone requirements of Part II of Title III of the Communications Act apply to cargo ships of 300 gross tons and upward but less than 1600 gross tons. The radiotelephone requirements of the Safety Convention apply to passenger ships irrespective of size and cargo ships of 300 gross tons and upward on international voyages. These ships are required to carry a radiotelephone installation complying with this subpart.

§ 80.853 Radiotelephone station.

(a) The radiotelephone station is a radiotelephone installation and other equipment necessary for the proper operation of the installation.

(b) The radiotelephone station must be installed to insure safe and effective operation of the equipment and to facilitate repair. Adequate protection must be provided against the effects of vibration, moisture, and temperature.

(c) The radiotelephone station and all necessary controls must be located at the level of the main wheelhouse or at least one deck above the ship's main deck.

(d) The principal operating position of the radiotelephone station must be in the room from which the ship is normally steered while at sea. In installations on cargo ships of 300 gross tons and upwards but less than 500 gross tons on which the keel was laid prior to January 1, 1965, the location of the principal operating controls may be in a room adjoining and opening into the room from which the vessel is normally steered while at sea. If the station can be operated from any location other than the principal operating position, a positive means must be provided at the principal operating position to take full control of the station.

(e) The use of a independent communication system between the principal operating position and all other operating locations is acceptable as a method for taking control at the principal operating position. For stations first placed in service on or after June 1, 1956 the use of this method for taking control at the principal operating position is acceptable only for operating locations in the chartroom or master's quarters.

§ 80.854 Radiotelephone installation.

The radiotelephone installation includes:

(a) A radiotelephone transmitter;

(b) A receiver as specified in § 80.858(a);

(c) A radiotelephone distress frequency watch receiver specified in § 80.269;

(d) A main source of energy;

(e) A reserve source of energy, when required by § 80.860(a);

(f) An antenna system.

§ 80.855 Radiotelephone transmitter.

(a) The transmitter must be capable of transmission of H3E and J3E emission on 2182 kHz, and J3E emission on 2638

kHz and at least two other frequencies within the band 1605 to 3500 kHz available for ship-to-shore or ship-to-ship communication.

(b) The duty cycle of the transmitter must permit transmission of the international radiotelephone alarm signal.

(c) The transmitter must be capable of transmitting clearly perceptible signals from ship to ship during daytime under normal conditions over a range of 150 nautical miles.

(d) The transmitter complies with the range requirement specified in paragraph (c) of this section if:

(1) The transmitter is capable of being matched to actual ship station transmitting antenna meeting the requirements of § 80.863; and

(2) The output power is not less than 60 watts peak envelope power for H3E and J3E emission on the frequency 2182 kHz and for J3E emission on the frequency 2638 kHz into either an artificial antenna consisting of a series network of 10 ohms resistance and 200 picofarads capacitance, or an artificial antenna of 50 ohms nominal impedance. An individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required.

(e) The transmitter must provide visual indication whenever the transmitter is supplying power to the antenna.

(f) The transmitter must be protected from excessive currents and voltages.

(g) A durable nameplate must be mounted on the transmitter or made an integral part of it showing clearly the name of the transmitter manufacturer and the type or model of the transmitter.

(h) An artificial antenna must be provided to permit weekly checks of the automatic device for generating the radiotelephone alarm signal on frequencies other than the radiotelephone distress frequency.

§ 80.856 Automatic radiotelephone alarm signal generator.

The transmitter must be equipped with an international radiotelephone alarm signal generator type accepted by the Commission. See § 80.221.

§ 80.857 Installation of automatic radiotelephone alarm signal generator.

The controls of the automatic radiotelephone alarm signal generator required by § 80.856 must be located at the principal radiotelephone operating position only. The controls must permit instant use of this device to modulate the required transmitter and permit the device to be taken out of operation at any time so that the transmitter may be immediately voice modulated for transmission of a distress call and message.

§ 80.858 Radiotelephone receiver.

(a) The receiver required by § 80.854(a) of this part must be capable of reception of H3E and J3E emissions on the radiotelephone distress frequency. The receiver must be capable of reception of J3E emissions on 2638 kHz and the receiving frequencies associated with the transmitting frequencies authorized pursuant to § 80.855(a).

(b) In addition to the receiver required by paragraph (a) of this section, a radiotelephone distress frequency watch receiver meeting the technical standards of § 80.269 must be provided.

(c) One or more loudspeakers capable of being used to maintain the distress frequency (2182 kHz) watch at the principal operating position and at any other place where the listening watch is performed must be provided.

(d) The receiver required by paragraph (a) of the section must:

(1) Have a sensitivity of 50 microvolts;

(2) Be capable of operation when energized by the main source of energy, and by the reserve source of energy if a reserve source is required by § 80.860(a);

(3) Be protected from excessive currents and voltages;

(4) Be provided with a nameplate showing the name of the receiver manufacturer and the type or model.

(e) The sensitivity of a receiver is the strength in microvolts of a signal, modulated 30 percent at 400 cycles per second, required at the receiver input to produce an audio output of 50 milliwatts to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed on this basis must be furnished upon request of a Commission representative.

§ 80.859 Main power supply.

(a) The main power supply must simultaneously energize the radiotelephone transmitter at its required antenna power and the required receivers. Under this load condition the voltage of the main power supply at the radiotelephone input terminals must not deviate from its rated potential by more than 10 percent on ships completed on or after July 1, 1941, nor by more than 15 percent on ships completed before that date.

(b) Means must be provided for charging any batteries used as a main power supply. A continuous indication of the rate and polarity of the charging current must be provided during charging of the batteries.

§ 80.859 Reserve power supply.

(a) When the main power supply is not on the same deck as the main wheelhouse or at least one deck above the vessel's main deck, a reserve power supply must be provided and must be so situated. The location of the reserve power supply must be located as near to the required transmitter and receivers as practicable and meet all applicable rules and regulations of the United States Coast Guard.

(b) The reserve power supply must be independent of the propelling power of the ship and of any other electrical system, and must simultaneously energize the radiotelephone transmitter at its required antenna power, the required receivers, the emergency light and the automatic radiotelephone alarm signal generator. The reserve power supply must be available at all times.

(c) The reserve power supply may be used to energize the bridge-to-bridge radiotelephone and the VHF radiotelephone installation required by § 80.871.

(d) All circuits connected to the reserve power supply must be protected from overloads.

(e) Means must be provided for charging any batteries used as a reserve power supply. A continuous indication of the rate and polarity of the charging current during charging of the batteries must be provided.

(f) The cooling system of each internal combustion engine used as a part of the reserve power supply must be adequately treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(g) The reserve power supply must be available within 1 minute.

§ 80.861 Required capacity.

If the main power supply or the reserve power supply provided for the purpose of complying with § 80.859 and § 80.860 consists of batteries, the batteries must have sufficient reserve capacity available at all times while the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, and while being navigated in the open sea outside of a harbor or port, to permit operation of the radiotelephone transmitter and the required receivers for at least 6 hours continuously under normal working conditions.

§ 80.862 Proof of capacity.

(a) When directed by the Commission or its authorized representative, the

station licensee must prove that the requirements of § 80.861 are met.

(b) Proof of the ability of a battery used as a main or reserve source to operate continuously for 6 hours can be established by a discharge test over a prescribed period of time, when supplying power at the voltage required for normal and operation to an electrical load as prescribed by paragraph (d).

(c) When the reserve power supply is an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit contiuously for 6 hours can be established by measuring the fuel consumption for 1 hour when supplying power, at the voltage required for normal operation, to an electrical load as prescribed by paragraph (d).

(d) In determining the electrical load to be supplied, the following formula must be used:

(1) One-half of the current of the required transmitter at its rated power output.

(2) One fourth of the current of the automatic radiotelephone alarm signal generator; plus

(3) Current of receiver; plus

(4) Current of emergency light(s); plus

(5) Current of the bridge-to-bridge transceiver when connected.

(e) At the conclusion of the test specified in paragraphs (b) and (c) of this section, no part of the main or reserve power supply must have an excessive temperature rise, nor must the specific gravity or voltage of any battery be below 90 percent discharge point of the fully charged value.

§ 80.863 Antenna system.

(a) An antenna system must be installed which is as nondirectional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of the required antenna must insure operation in time of emergency.

(b) If the required antenna is suspended between masts or other supports liable to whipping, a safety link which, under heavy stress, will operate to greatly reduce such stress without breakage of the antenna, the halyards, or other antenna-supporting elements, must be installed.

(c) When an electrical ground connection is used as an element of the antenna system, the connection must be efficient.

§ 80.864 Emergency electric lights.

(a) Emergency electric light(s) must be installed to illuminate the operating controls of the radiotelephone installation at the principal operating position, the card of instructions, and the radiotelephone station clock if the latter is not self-illuminated.

(b) The emergency electric light(s) must be energized from the reserve power supply, if a reserve power supply is required. In cases where a reserve power supply is not required, the emergency lights must be energized independently of the system which supplies the normal lighting.

§ 80.865 Radiotelephone station clock.

A clock having a face of at least 5 inches in diameter must be mounted in a position that can be observed from the principal operating position.

§ 80.866 Spare antenna.

A spare transmitting antenna completely assembled for immediate erection must be provided. If the installed transmitting antenna is suspended between supports, this spare antenna must be a single-wire transmitting antenna of the same length and must also include suitable insulators.

§ 80.867 Ship station tools, instruction books, circuit diagrams and testing equipment.

(a) Each ship station must be provided with such tools, testing equipment, instruction books and circuit diagrams to enable the radiotelephone installation to be maintained in efficient working condition while at sea. Each ship station licensee must compile a list of spare parts, tools, test equipment and circuit diagrams it considers necessary for compliance with this requirement. This list must be available at inspection. The Commission may consider equipment manufacturer lists of recommended spare parts, tools, test equipment, and repair circuit diagrams in determining compliance with this subsection. These items must be located convenient to the radio room.

(b) The testing equipment must include an instrument or instruments for measuring A.C. volts, D.C. volts and ohms.

§ 80.868 Card of instructions.

A card of instructions giving a clear summary of the radiotelephone distress procedure must be securely mounted and displayed in full view of the principal operating position.

§ 80.869 Test of radiotelephone station.

Unless the normal use of the required radiotelephone station demonstrates that the equipment is operating, a test communication on a required or working frequency must be made each day the ship is navigated. When this test is performed by a person other than the master and the equipment is found to be defective the master must be promptly notified.

§ 80.870 Survival craft radio equipment.

(a) A Class S survival craft emergency position indicating radiobeacon, (EPIRB) required to be carried to comply with Title 46 of the Code of Federal Regulations must meet the provisions of § 80.833.

(b) A survival craft two-way radiotelephone apparatus must meet the provisions of § 80.834.

§ 80.871 VHF radiotelephone station.

(a) All passenger ships irrespective of size and all cargo ships of 300 gross tons and upwards subject to Part II of Title III of the Communications Act or to the Safety Convention are required to carry a VHF radiotelephone station complying with this subpart. Ships subject only to the Communications Act may use a VHF radiotelephone installation meeting the technical standards of the Bridge-to-Bridge Act to satisfy the watch requirements of § 80.305(2)(3) if the equipment can transmit and receive on 156.800 MHz.

(b) The VHF radiotelephone station must be installed to insure safe and effective operation of the equipment and facilitate repair. It must be protected against vibration, moisture and temperature.

(c) The principal operating position of the radiotelephone station must be in the room from which the ship is normally steered while at sea.

(d) The radiotelephone stations on ships subject to Part II of Title III of the Communications Act must be capable of operating on the frequency 156.800 MHz and in other respects meet the requirements of § 80.143. The radiotelephone stations on ships subject to the Safety Convention must be capable of operating in the simplex mode on the ship station transmitting frequencies specified in the frequency band 156.025 MHz to 157.425 MHz and in the semiduplex mode on the two frequency channels specified in the following table:

Channel designators	Transmitting frequencies (MHz)	
	Ship station	Coast station
60	156.025	160.625
01	156.050	160.650
61	156.075	160.675
02	156.100	160.700
62	156.125	160.725
03	156.150	160.750
63	156.175	160.775
04	156.200	160.800
64	156.225	160.825
05	156.250	160.850
65	156.275	160.875
06	156.300	
66	156.325	160.925
07	156.350	160.950
67	156.375	156.375

Channel designators	Transmitting frequencies (MHz)	
	Ship station	Coast station
08	156.400	
68	156.425	156.425
09	156.450	156.450
69	156.475	156.475
10	156.500	156.500
70	156.525	
11	156.550	156.550
71	156.575	156.575
12	156.600	156.600
72	156.625	
13	156.650	156.650
73	156.675	156.675
14	156.700	156.700
74	156.725	156.725
15	156.750	156.750
75	(1)	(1)
16	156.800	156.800
76	(1)	(1)
17	156.850	156.850
77	156.875	
18	156.900	161.500
78	156.925	161.525
19	156.950	161.550
79	156.975	161.575
20	157.000	161.600
80	157.025	161.625
21	157.050	157.050
81	157.075	161.075
22	157.100	161.700
82	157.125	161.725
23	157.150	156.150
83	157.175	156.175
24	156.200	161.800
84	157.225	161.825
25	157.250	161.850
85	157.275	161.875
26	157.300	161.900
86	157.325	161.925
27	157.350	161.950
87	157.375	161.975
28	157.400	162.000
88	157.425	162.025

[1] Guard band.

§80.872 The VHF radiotelephone installation.

The VHF radiotelephone installation includes:

(a) A VHF radiotelephone transmitter,

(b) A VHF radiotelephone receiver,

(c) A power supply,

(d) An antenna system.

§ 80.873 VHF radiotelephone transmitter.

(a) The transmitter must be capable of transmission of G3E emission on 156.300 MHz and 156.800 MHz, and on frequencies which have been specified for use in a system established to promote safety of navigation. Vessels in waters of other Administrations are required to communicate on any channel designated by that Administration for navigational safety in the bands specified in §80.871(d).

(b) The transmitter must be adjusted so that the transmission of speech normally produces peak modulation within the limits of 75 percent and 100 percent.

(c) The transmitter must deliver a carrier power between 8 and 25 watts into a 50 ohm effective resistance. Provision must be made for reducing the carrier power to a value between 0.1 and 1.0 watts.

(d) The transmitter complies with the power output requirements specified in paragraph (c) of this section when:

(1) The transmitter is capable of being adjusted for efficient use with an actual ship station transmitting antenna meeting the requirements of § 80.876; and

(2) The transmitter has been demonstrated capable, with normal operating voltages applied, of delivering not less than 8 watts of carrier power into 50 ohms effective resistance over the frequency band specified in § 80.871(d). An individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required; and

(3) It is type accepted as required by Subpart F of this part.

§ 80.874 VHF radiotelephone receiver.

(a) The receiver used for providing the watch for navaigational safety required by § 80.313 must be type accepted by the Commission and capable of effective reception of G3E emission on the frequencies required by § 80.871(d) when connected to the antenna specified in § 80.876.

(b) The receiver must have a usable sensitivity of 0.5 microvolts.

(c) The receiver must deliver adequate audio output power to be heard in the ambient noise level likely to be expected on board ships with a loudspeaker and/or a telephone handset.

(d) In the simplex mode when the transmitter is activated the receiver output must be muted.

§ 80.875 VHF radiotelephone power supply.

(a) There must be readily available for use under normal load conditions a power supply sufficient to simultaneously energize the VHF transmitter at its required antenna power, and the VHF receiver. Under this load condition the voltage of the source of energy at the power input terminals of the VHF radiotelephone installation must not deviate from its rated value by more than 10 percent on ships completed on or after March 1, 1957, nor by more than 15 percent on ships completed before that date.

(b) When the power supply for the VHF radiotelephone installation consists of batteries, they must be installed in the upper part of the ship, secured against shifting with motion of the ship, capable of operating the installation for 6 hours, and accessible with not less than 10 inches head room.

(c) Means must be provided for charging any rechargeable batteries used in the ship's VHF radiotelephone installation. There must be provided a device which, during charging of the batteries, will give a continuous indication of the charging current.

(d) The VHF radiotelephone installation may be connected to the reserve power supply of a compulsorily fitted radiotelephone or radiotelegraph installation.

§ 80.876 VHF radiotelephone antenna system.

A vertically polarized nondirectional antenna must be provided for VHF radiotelephone installations. The construction and installation of this antenna must insure proper operation in an emergency.

§ 80.877 Controls and indicators required for VHF radiotelephone installations.

The controls and indicators used on equipment of the VHF radiotelephone installation must meet the following standards:

(a) The size of controls must easily permit normal adjustment. The function and the setting of the controls must be clearly indicated.

(c) Controls must be illuminated to permit satisfactory operation of the equipment.

(c) Means must be provided to reduce to extinction any light output from the equipment which could affect safety of navigation.

(d) An on/off switch must be provided for the entire installation with a visual indication that the installation is switched on.

(e) The equipment must indicate the channel number, as given in the Radio Regulations, to which it is tuned. It must allow the determination of the channel number under all conditions of external lighting. Channel 16 must be distinctively marked.

(f) The receiver must have a manual volume control and a squelch control.

(g) If the external controls are on a separate control unit and more than one such control unit is provided, the one on the bridge must have priority over the others. When there is more than one control unit, indication must be given to the other(s) that the transmitter is in operation.

Subpart S—Compulsory Radiotelephone Installations for Small Passenger Boats

§ 80.901 Applicability.

The provisions of Part III of Title III of the Communication Act require United States vessels which transport more than six passengers for hire while such vessels are being navigated on any

tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, or in the open sea to carry a radiotelephone installation complying with this Subpart. The provisions of Part III do not apply to vessels which are equipped with a radio installation for compliance with Part II of Title III of the Act, or for compliance with the Safety Convention, or to vessels navigating on the Great Lakes.

§ 80.903 Inspection of radiotelephone installation.

Every vessel subject to Part III of Title III of the Communications Act must have a detailed inspection by the Commission of the prescribed installation once every five years. If after inspection the Commission determines that all relevant provisions of Part III of Title III of the Communications Act, the rules of the Commission, and the station license are met a Communications Act Safety Radiotelephone Certificate will be issued. The effective date of this certificate is the date the installation is found to be in compliance, or not more than one business day later.

§ 80.905 Radiotelephone installation.

(a)(1) The required radiotelephone installation must include a medium frequency transmitter capable of J3E emission and a receiver capable of reception of J3E emission within the band 1605 to 2850 kHz unless the vessel is within communication range of a public coast station or U.S. Coast Guard station operating in the band 156 to 162 MHz which maintains a watch on 156.800 MHz at all times while the vessel is navigated in waters specified in § 80.901, and the vessel is never more than 20 nautical miles from the receiving location of such a station. In that case the radiotelephone installation may include a VHF transmitter and receiver in lieu of the medium frequency equipment.

(2) For a vessel that is navigated within the communication range of a VHF public coast station or U.S. Coast Guard station, but beyond the 20-nautical mile limitation specified in paragraph (a)(1) of this section, an exemption from the band 1605 to 2850 kHz installation requirements may be granted if the vessel is equipped with a VHF transmitter and receiver. An application for exemption must include a chart showing the route of the voyage or the area of operation of the vessel, and the receiving service area of the VHF public coast or U.S. Coast Guard station. The coverage area of the U.S. Coast Guard station must be based on written information from the District Commander, U.S. Coast Guard, a copy of which must be furnished with the application. The coverage area of a public coast station must be computed by the method specified in Subpart P of this Part.

(b) The radiotelephone installation must be installed to insure safe operation of the equipment and to facilitate repair. It must be protected against the vibration, moisture, temperature, and excessive currents and voltages.

(c) A VHF radiotelephone installation or a remote unit must be located at each steering station except those auxiliary steering stations which are used only during brief periods for docking or for close-in maneuvering. A single portable radiotelephone set meets the requirements of this paragraph if adequate permanent mounting arrangements with suitable power provision and antenna feed are installed at each operator steering station. Additionally, for vessels of more than 100 gross tons, the radiotelephone installation must be located at the level of the main wheelhouse or at least one deck above the vessel's main deck.

§ 80.907 Principal operating position.

The principal operating position of the radiotelephone installation on vessels over 100 gross tons must be in the room from which the vessel is normally steered while at sea. If the station can be operated from any location other than the principal operating position, a positive means must be provided at the principal operating position to take full control of the station.

§ 80.909 Medium frequency transmitter.

(a) The transmitter must have a peak envelope output power of a least 60 watts for J3E emissions on 2182 kHz and at least one ship-to-shore working frequency within the band 1605 to 2850 kHz enabling communication with a public coast station if the region in which the vessel is navigated is served by a public coast station operating in this band.

(b) The transmitter complies with the power output requirement in paragraph (a) of this section when:

(1) The transmitter can be adjusted for efficient use with an actual ship station transmitting antenna meeting the requirements of § 80.923; and

(2) The transmitter has been demonstrated with normal operating voltages applied, of delivering not less than 60 watts peak envelope power for J3E emissions on the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 ohms nominal impedance. An individual demonstration of power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required.

§ 80.911 VHF transmitter.

(a) The transmitter must be capable of transmission of G3E emission on 156.800 MHz, 156.300 MHz, and on the ship-to-shore working frequencies necessary to communicate with public coast stations serving the area in which the vessel is navigated.

(b) The transmitter must be adjusted so that the transmission of speech normally produces peak modulation within the limits 75 percent and 100 percent.

(c) The transmitter must be type accepted to transmit between 20 watts and 25 watts, on each of the frequencies 156.300 MHz, 156.800 MHz and on ship-to-shore public correspondence channels, into 50 ohms effective resistance when operated with a primary supply voltage of 13.6 volts DC.

(d) When an individual demonstration of the capability of the transmitter is necessary the output power requirements prescribed in this paragraph must be met as follows:

(1) Measurements of primary supply voltage and transmitter output power must be made with the equipment drawing energy only from ship's battery;

(2) The primary supply voltage, measured at the power input terminals to the transmitter, and the output power of the transmitter, terminated in a matching artificial load, must be measured at the end of 10 minutes of continuous operation of the transmitter at its full power output.

(3) The primary supply voltage must not be less than 11.5 volts.

(4) The transmitter output power must be not less than 15 watts.

§ 80.913 Radiotelephone receivers.

(a) If a medium frequency radiotelephone installation is provided, the watch receiver must be capable of effective reception of J3E emissions, be connected to the antenna system specified by § 80.923, and be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz, and the receiving frequency(s) of public coast stations serving the area in which the vessel is navigated.

(b) If a very high frequency radiotelephone installation is provided, the receiver used for maintaining the watch required by § 80.303 must be capable of effective reception of G3E

emission, be connected to the antenna system specified by § 80.923 and be preset to, and capable of selection of, the frequencies 156.300 MHz, 156.800 MHz, and the receiving frequency(s) of public coast stations serving the area in which the vessel is navigated.

(c) One or more loudspeakers must be provided to permit reception on 2182 kHz or 156.800 MHz at the principal operating position and at any other place where listening is performed.

(d) Any receiver provided as a part of the radiotelephone installation must have a sensitivity, of 50 microvolts in the case of MF equipment, and 1 microvolt in the case of VHF equipment.

(e) The receiver required in paragraph (a) or paragraph (b) of this section must be capable of efficient operation when energized by the main source of energy, and when energized by the reserve source of energy if a reserve source of energy is required by § 80.917.

(f) The sensitivity of a receiver is the strength in microvolts of a signal, modulated 30 percent at 400 Hertz, required at the receiver input to produce an audio output of 50 milliwatts to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed on this basis must be furnished upon request of the Commission.

§ 80.915 Main power supply.

(a) There must be readily available for use under normal load conditions a main power supply sufficient to simultaneously energize the radiotelephone transmitter at its required antenna power, and the required receiver. Under this load condition the potential of the main power supply at the power input terminals of the radiotelephone installation must not deviate from its rated potential by more than 10 percent on vessels completed on or after March 1, 1957, nor by more than 15 percent on vessels completed before that date.

(b) When the main power supply consists of batteries, they must be installed as high above the bilge as practicable, secured against shifting with motion of the vessel, and accessible with not less than 10 inches head room.

(c) Means must be provided for adequately charging any batteries used as a main power supply. There must be a device which gives a continuous indication of the rate and polarity of the charging current during charging.

§ 80.917 Reserve power supply.

(a) A vessel of more than 100 gross tons the keel of which was laid after March 1, 1957, must have a reserve power supply located on the same deck as the main wheel house or at least one deck above the vessel's main deck, unless the main power supply is so situated.

(b) The reserve power supply must be independent of the ship's propulsion and of any other electrical system, and be sufficient to simulataneously energize the radiotelephone transmitter at its required output power, and the receiver. The reserve power supply must be available for use at all times.

(c) When the reserve power supply consists of batteries, they must be installed as high above the bilge as practicable, secured against shifting with motion of the vessel, and accessible with not less than 10 inches head room.

(d) The reserve power supply must be located as near the required transmitter and receiver as practicable.

(e) All reserve power supply circuits must be protected from overloads.

(f) Means must be provided for charging any storage batteries used as a reserve power supply for the required radiotelephone installation. There must be a device which will give continuous indication of the rate and polarity of the charging current during charging.

(g) The cooling system of each internal combustion engine used as a part of the reserve power supply must be adequately treated to prevent freezing or overheating consistent with the season and route to be travelled by the particular vessel involved.

§ 80.919 Required capacity.

If either the main or reserve power supply includes batteries, these batteries must have sufficient reserve capacity to permit proper operation of the required transmitter and receiver for at least 3 hours under normal working conditions.

§ 80.921 Proof of capacity.

(a) When directed by a representative of the Commission the vessel must prove by demonstration as prescribed in paragraphs (b), (c), (d) and (e) of this section, that the requirements of § 80.919 are met.

(b) Proof of the ability of a storage battery used as a main or reserve power supply to operate over the 3-hour period established by a discharge test over the prescribed period of time, when supplying power at the voltage required for an electrical loss as prescribed by paragraph (d) of this section.

(c) When the required power supply consists of an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit over the 3-hour period of time may be established by using as a basis the fuel consumption during a 1 hour period when supplying power, at the voltage required for operating an electrical load as prescribed by paragraph (d) of this section.

(d) In determining the required electrical load the following formula must be used:

(1) One-half of the current of the required transmitter at its rated output power; plus

(2) Current of the required receiver; plus

(3) Current of electric light, if required by § 80.925; plus

(4) The sum of the current of all other loads the reserve power supply may provide in time of emergency.

(e) At the conclusion of the test specified in paragraphs (b) and (c) of this section, no part of the main or reserve power supply must have an excessive temperature rise, nor must the specific gravity or voltage of any storage battery be below the 90 percent discharge point.

§ 80.923 Antenna system.

An antenna must be provided in accordance with the applicable requirements of § 80.71 which is as nondirectional and as efficient as practicable for the transmission and reception of radio ground waves. The construction and installation of this antenna must insure proper emergency operation.

§ 80.925 Electric light.

(a) If the vessel is navigated at night an electric light or dial lights which clearly illuminate the operating controls must be installed to provide illumination of the operating controls at the principal operating position.

(b) The electric light must be energized from the main power supply and, if a reserve power supply for the radiotelephone installation is required, from the reserve power supply.

§ 80.927 Antenna radio frequency indicator.

The transmitter must be equipped with a device which provides visual indication whenever the transmitter is supplying power to the antenna.

§ 80.929 Nameplate.

A durable nameplate must be mounted on the required radiotelephone equipment. When the transmitter and receiver comprise a single unit, one

nameplate is sufficient. The nameplate must show the name of the manufacturer and the type or model number.

§ 80.931 Test of radiotelephone installation.

Unless normal use of the radiotelephone installation demonstrates that the equipment is in proper operating condition, a test communication on a required frequency in the 1605 to 2850 kHz band or the 156–162 MHz band must be made by a qualified operator each day the vessel is navigated. If the equipment is not in proper operating condition, the master must be promptly notified.

§ 80.933 General exemptions.

(a) Subject U.S. vessels less than 50 gross tons which are navigated not more than 1,000 feet from the nearest land at mean low tide are exempt from the provisions of Title III, Part III of the Communications Act.

(b) Subject U.S. vessels less than 100 gross tons which are equipped with VHF installations meeting the requirements of this subpart are exempt from the medium frequency radiotelephone requirements if the vessels remain within the effective coverage area of U.S. Coast Guard or public coast stations operating in the band 156–162 MHz when the vessels are:

(1) Navigated in waters contiguous to Hawaii or the Virgin Islands; or

(2) Navigated in waters contiguous to the coast of Southern California from Point Conception south to the U.S. Mexico Border. The Islands of San Miguel, Santa Rosa, Santa Cruz, Anacopa, San Nicolas, Santa Barbara, Santa Catalina and San Clemente are considered to be within these waters.

(c) These exemptions may be terminated at any time without hearing, if in the Commission's discretion, the need for such action arises.

§ 80.935 Station clock.

Each station subject to this subpart must have a working clock or timepiece readily available to the operator.

Subpart T—Radiotelephone Installation Required for Vessels on the Great Lakes

§ 80.951 Applicability.

The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, applies to vessels of all countries when navigated on the Great Lakes. The Great Lakes Radio Agreement defines the Great Lakes as "all waters of Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan, Superior, their connecting and tributary waters and the River St. Lawrence as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada," but does not include such of the connecting and tributary waters as may be specified in the Technical Regulations. The Technical Regulations do not include any connecting and tributary waters except the St. Mary's River, the St. Clair River, Lake St. Clair, the Detroit River and the Welland Canal. A vessel to which the Great Lakes Radio Agreement applies and which falls into the specific categories by paragraph (a), (b) or (c) of this section and not excepted by paragraph (d) or (e) of this section must comply with this subpart while navigated on the Great Lakes.

(a) Every vessel 20 meters (65 feet) or over in length (measured from end to end over the deck, exclusive of sheer).

(b) Every vessel engaged in towing another vessel or floating object, except:

(1) Where the maximum length of the towing vessel, measured from end to end over the deck exclusive of sheer, is less than 8 meters (26 feet) and the length or breadth of the tow, exclusive of the towing line, is less than 20 meters (65 feet);

(2) Where the vessel towed complies with this subpart;

(3) Where the towing vessel and tow are located within a booming ground (an area in which logs are confined); or

(4) Where the tow has been undertaken in an emergency and neither the towing vessel nor the tow can comply with this part.

(c) Any vessel carrying more than six passengers for hire.

(d) The requirements of the Great Lakes Radio Agreement do not apply to:

(1) Ships of war and troop ships;

(2) Vessels owned and operated by any national government and not engaged in trade.

(e) The Commission may if it considers that the conditions of the voyage or voyages affecting safety (including but not necessarily limited to the regularity, frequency and nature of the voyages, or other circumstances) are such as to render full application of the Great Lakes Agreement unreasonable or unnecessary, exempt partially, conditionally or completely, any individual vessel for one or more voyages or for any period of time not exceeding one year.

§ 80.953 Inspection and certification.

Each U.S. flag vessel subject to the Great Lakes Agreement must have an inspection of the required radiotelephone installation not less than once every twelve months. However, a one month extension of an FCC certificate may be granted by the Commission. This inspection must be made while the vessel is in active service or within not more than one month before the date on which it is placed in service. A Great Lakes Agreement Radiotelephony Certificate will be issued to vessels in compliance. The certificate must be posted at the principal operating position of the radiotelephone installation.

§ 80.955 Radiotelephone installation.

(a) Each U.S. flag vessel of less than 38 meters (124 feet) in length while subject to the Great Lakes Agreement must have a radiotelephone meeting the provisions of this subpart in addition to the other rules in this part governing ship stations using telephony.

(b) Each U.S. flag vessel of 38 meters (124 feet) or more in length while subject to the Great Lakes Agreement must have a minimum of two VHF radiotelephone installations in operating condition meeting the provisions of this subpart. The second VHF installation must be electrically separate from the first VHF installation. However, both may be connected to the main power supply provided one installation can be operated from a separate power supply located as high as practicable on the vessel.

(c) This paragraph does not require or prohibit the use of other frequencies for use by the same "radiotelephone installation" for communication authorized by this part.

§ 80.956 Required frequencies and uses.

(a) Each VHF radiotelephone installation must be capable of transmitting and receiving G3E emission as follows:

(1) Channel 16—156.800 MHz-Distress, Safety and Calling; and

(2) Channel 6—156.300 MHz—Primary intership.

(b) The radiotelephone station must have additional frequencies as follows:

(1) Those ship movement frequencies appropriate to the vessel's area of operation: Channel 11—156.550 MHz, Channel 12—156.600 MHz, Channel 13—156.650 MHz or Channel 14—156.700 MHz.

(2) Such other frequencies as required for the vessel's service.

(3) One channel for receiving marine navigational warnings for the area of operation.

(c) Every radiotelephone station must include one or more transmitters, one or more receivers, one or more sources of energy and associated antennas and control equipment. The radiotelephone

station, exclusive of the antennas and source of energy, must be located as high as practicable on the vessel, preferably on the bridge, and protected from water, temperature, and electrical and mechanical noise.

§ 80.957 Principal operating position.

(a) The principal operating position of the radiotelephone installation must be on the bridge, convenient to the conning position.

(b) When the radiotelephone station is not located on the bridge, operational control of the equipment must be provided at the location of the radiotelephone station and at the bridge operating position. Complete control of the equipment at the bridge operating position must be provided.

§ 80.959 Radiotelephone transmitter.

(a) The transmitter must be capable of transmission of G3E emission on the required frequencies.

(b) The transmitter must deliver a carrier power of between 10 watts and 25 watts into 50 ohms nominal resistance when operated with its rated supply voltage. The transmitter must be capable of readily reducing the carrier power to one watt or less.

(c) To demonstrate the capability of the transmitter, measurements of primary supply voltage and transmitter output power must be made with the equipment operating on the vessel's main power supply, as follows:

(1) The primary supply voltage measured at the power input terminals to the transmitter terminated in a matching artificial load, must be measured at the end of 10 minutes of continuous operation of the transmitter at its rated power output.

(2) The primary supply voltage, measured in accordance with the procedures of this paragraph, must be not less than 11.5 volts.

(3) The transmitter at full output power measured in accordance with the procedure of this paragraph must not be less than 10 watts.

§ 80.961 Radiotelephone receiver.

(a) The receiver must be capable of reception of G3E emission on the required frequencies.

(b) The receiver must have a sensitivity of at least 2 microvolts across 50 ohms for a 20 decibel signal-to-noise ratio.

§ 80.963 Main power supply.

(a) A main power supply must be available at all times while the vessel is subject to the requirements of the Great Lakes Radio Agreement.

(b) Means must be provided for charging any batteries used as a source of energy. A device which during charging of the batteries gives a continuous indication of charging current must be provided.

§ 80.965 Reserve power supply.

(a) Each passenger vessel of more than 100 gross tons and each cargo vessel of more than 300 gross tons must be provided with a reserve power supply independent of the vessel's normal electrical system and capable of energizing the radiotelephone installation and illuminating the operating controls at the principal operating position for at least 2 continuous hours under normal operating conditions. When meeting this 2 hour requirement, such reserve power supply must be located on the bridge level or at least one deck above the vessel's main deck.

(b) Instead of the independent power supply specified in paragraph (a) of this section, the vessel may be provided with an auxiliary radiotelephone installation having a power source independent of the vessel's normal electrical system. Any such installation must comply with §§ 80.955, 80.956, 80.957, 80.959, 80.961, 80.969 and 80.971, as well as the general technical standards contained in this part. Additionally, the power supply for any such auxiliary radiotelephone must be a "reserve power supply" for the purposes of paragraphs (c), (d) and (e) of this section.

(c) Means must be provided for adequately charging any batteries used as a reserve power supply for the required radiotelephone installation. A device must be provided which, during charging of the batteries, gives a continuous indication of charging.

(d) The reserve power supply must be available within one minute.

(e) The station licensee, when directed by the Commission, must prove by demonstration as prescribed in paragraphs (e)(1), (2), (3) and (4) of this section that the reserve power supply is capable of meeting the requirements of paragraph (a) of this section as follows:

(1) When the reserve power supply includes a battery, proof of the ability of the battery to operate continuously for the required time must be established by a discharge test over the required time, when supplying power at the voltage required for normal operation to an electric load as prescribed by paragraph (e)(3) of this section.

(2) When the reserve power supply includes an engine driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously for the required time may be established by using as a basis the fuel consumption during a continuous period of one hour when supplying power, at the voltage required for normal operation, to an electrical load as prescribed by paragraph (3)(e) of this section.

(3) For the purposes of determining the electrical load to be supplied, the following formula must be used:

(i) One-half of the current of the radiotelephone while transmitting at its rated output, plus one-half the current while not transmitting; plus

(ii) Current of the required receiver; plus

(iii) Current of the source of illumination provided for the operating controls prescribed by Section 80.969; plus

(iv) The sum of the currents of all other loads to which the reserve power supply may provide power in time of emergency or distress.

(4) At the conclusion of the test specified in paragraphs (e)(1) and (2) of this section, no part of the reserve power supply must have excessive temperature rise, nor must the specific gravity or voltage of any battery be below the 90 percent discharge point.

§ 80.967 Antenna system.

The antenna must be omnidirectional, vertically polarized and located as high as practicable on the masts or superstructure of the vessel.

§ 80.969 Illumination of operating controls.

(a) The radiotelephone must have dial lights which illuminate the operating controls at the principal operating position.

(b) Instead of dial lights, a light from an electric lamp may be provided to illuminate the operating controls of the radiotelephone at the principal operating position. If a reserve power supply is required, arrangements must permit the use of that power supply for illumination within one minute.

§ 80.971 Test of radiotelephone installation.

At least once during each calendar day a vessel subject to the Great Lakes Radio Agreement must test communications on 156.800 MHz to demonstrate that the radiotelephone installation is in proper operating condition unless the normal daily use of the equipment demonstrates that this installation is in proper operating condition. If equipment is not in operating condition, the master must have it restored to effective operation as soon as possible.

Subpart U—Radiotelephone Installations Required by the Bridge-To-Bridge Act

§ 80.1001 Applicability.

The Bridge-to-Bridge Act and the regulations of this part apply to the following vessels in the navigable waters of the United States:

(a) Every power-driven vessel of 300 gross tons and upward while navigating;

(b) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(c) Every towing vessel of 26 feet (7.8 meters) or over in length, measured from end to end over the deck excluding sheer, while navigating; and

(d) Every dredge and floating plant engaged, in or near a channel or fairway, in operations likely to restrict or affect navigation of other vessels. An unmanned or intermittently manned floating plant under the control of a dredge shall not be required to have a separate radiotelephone capability.

§ 80.1003 Station required.

Vessels subject to the Bridge-to-Bridge Act must have a radiotelephone installation to enable the vessel to participate in navigational communications. This radiotelephone installation must be continuously associated with the ship even though a portable installation is used. Foreign vessels coming into U.S. waters where a bridge-to-bridge station is required may fulfill this requirement by use of portable equipment brought a board by the pilot. Non portable equipment, when used, must be arranged to facilitate repair. The equipment must be protected against vibration, moisture, temperature and excessive currents and voltages.

§ 80.1005 Inspection of station.

The bridge-to-bridge radiotelephone station will be inspected on vessels subject to regular inspections pursuant to the requirements of Parts II and III of Title III of the Communications Act, the Safety Convention or the Great Lakes Agreement at the time of the regular inspection. If after such inspection, the Commission determines that the Bridge-to-Bridge Act, the rules of the Commission and the station license are met, an endorsement will be made on the appropriate document. The validity of the endorsement will run concurrently with the period of the regular inspection. Each vessel must carry a certificate with a valid endorsement while subject to the Bridge-to-Bridge Act. All other bridge-to-bridge stations will be inspected from time to time.

§ 80.1007 Bridge-to-bridge radiotelephone installation.

Use of the bridge-to-bridge transmitter must be restricted to the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel. Communications must be of a navigational nature exclusively.

§ 80.1009 Principal operator and operating position.

The principal operating position of the bridge-to-bridge station must be the vessel's navigational bridge or, in the case of dredges, its main control station. If the radiotelephone installation can be operated from any location other than the principal operating position, the principal operating position must be able to take full control of the installation.

§ 80.1011 Transmitter.

The bridge-to-bridge transmitter must be capable of transmission of G3E emission on the navigational frequency 156.650 MHz (channel 13).

§ 80.1013 Receiver.

The bridge-to-bridge receiver must be capable of reception of G3E emission on 156.650 MHz.

§ 80.1015 Power supply.

(a) There must be readily available for use under normal load conditions, a power supply sufficient to simultaneously energize the bridge-to-bridge transmitter at its required antenna power, and the bridge-to-bridge receiver. Under this load condition the voltage of the power supply at the power input terminals of the bridge-to-bridge radiotelephone installation must not deviate from its rated voltage by more than 10 percent on vessels completed on or after March 1, 1957, nor by more than 15 percent on vessels completed before that date.

(b) When the power supply for a nonportable bridge-to-bridge radiotelephone installation consists of or includes batteries, they must be installed as high above the bilge as practicable, secured against shifting with motion of the vessel, and accessible with not less than 10 inches head room.

(c) Means must be provided for adequately charging any rechargeable batteries used in the vessel's bridge-to-bridge radiotelephone installation. There must be provided a device which will give a continuous indication of the charging current during charging.

§ 80.1017 Antenna system.

(a) An antenna must be provided for nonportable bridge-to-bridge radiotelephone installations which is nondirectional and vertically polarized. The construction and installation of this antenna must insure proper operation in time of an emergency.

(b) In cases where portable bridge-to-bridge equipment is permanently associated with a vessel, the equipment must be provided with a connector for an external antenna of a type capable of meeting requirements of paragraph (a) of this section and § 80.71. The vessel must be equipped with an external antenna meeting requirements of paragraph (a) of this section and § 80.71, capable of use with the portable equipment during a normal listening watch.

§ 80.1019 Antenna radio frequency indicator.

Each nonportable bridge-to-bridge transmitter must be equipped at each point of control with an RF carrier operated device which will provide continuous visual indication when the transmitter is supplying power to the antenna transmission line.

§ 80.1021 Nameplate.

A durable nameplate must be mounted on the required radiotelephone or be an integral part of it. When the transmitter and receiver comprise a single unit, one nameplate is sufficient. The nameplate must show at least the name of the manufacturer and the type or model number.

§ 80.1023 Test of radiotelephone installation.

Unless normal use of the required radiotelephone installation demonstrates that the equipment is in proper operating condition, a test communication for this purpose must be made by a qualified operator each day the vessel is navigated. If the equipment is not in proper operating condition, the master must be promptly notified. The master must have it restored to effective operating condition as soon as possible.

Subpart V—Emergency Position Indicating Radiobeacons (EPIRB's)

§ 80.1051 Scope.

This subpart describes the technical requirements for Class A, B, C, and S EPIRB stations.

§ 80.1053 Special requirements for Class A EPIRB stations.

(a) A Class A EPIRB station must meet the following:

(1) Float free of a sinking ship;

(2) Activate automatically when it floats free of a sinking ship;

(3) Have an antenna that deploys automatically when the EPIRB activates;

(4) Use A3N emission on the frequencies 121.500 MHz and 243.000 MHz;

(5) The effective radiated power must not be less than 75 milliwatts after 48 hours of continuous operation and without replacement or recharge of batteries. The effective radiated power must be determined according to FCC Bulletin OCE 45.

(6) The carrier must be amplitude modulated with an audio signal swept downward between 1600 and 300 Hz. The sweeping range of the audio signal must be 700 Hz or greater. Its sweep rate must be between 2 and 4 times per second. The modulation applied to the carrier must comply with the Radio Technical Commission for Aeronautics (RTCA) Document Number DO–183;

(7) Have a visible or audible indicator which clearly shows that the device is operating. The indicator must be activated by the RF output power. The indicator must be protected from damage due to dropping or contact with other objects;

(8) Float in calm water with at least the upper 5 cm (2 in.) of the EPIRB out of the water and the base of the antenna at least 5 cm (2 in.) above the water, with the antenna in a vertical position completely above the water surface;

(9) Be ballasted to right itself from a position of 90 degrees from its upright position in one second or less;

(10) Meet the requirements of (a)(1) through (a)(9) of this section after free fall into water 3 times from a height of 18 meters (60 ft.);

(11) Bear a designation that indicates it is a "Class A" EPIRB;

(12) Have a positive means of turning the equipment off. When an on-off switch is employed a guard must be provided to prevent inadvertent operation.

(b) Class A EPIRB's must have a manually activated test switch which must be held in position for test operation and when released return the EPIRB to its normal state. A switch guard must be provided to prevent inadvertent activation. Class A EPIRB's must also have an associated test circuit and an RF output power indicator which in the test position must:

(1) Permit the operator to determine that the unit is operative;

(2) Switch the transmitter output to an artificial antenna equivalent to that of the EPIRB antenna;

(3) Reduce radiation to a level not to exceed 25 microvolts per meter at a distance of 46 meters (150 feet) irrespective of direction.

(c) The power and modulation requirements specified in paragraphs (a)(5) and (6) of this section must be met under the environmental test conditions specified in the RTCA Document Number DO–183 except that the air temperature limits for testing these devices must be from −20 to +55 degrees Celsius. Tests specified by RTCA with regard to altitude, decompression and overpressure are not applicable to EPIRB stations.

(d) Vacuum tubes are not permitted in EPIRB's. The equipment must meet the requirements after extended periods of inaction while carried in vessels and subjected to the environmental conditions prescribed. Operation into any RF load from open to short must not cause continuing degradation in performance.

(e) The EPIRB must be powered by a battery contained within the transmitter case or in a battery holder that is rigidly attached to the transmitter case. The battery connector must be corrosion resistant and positive in action and must not rely for contact upon spring force alone. The useful life of the battery is the length of time that the battery must be stored under marine environmental conditions without the EPIRB transmitter output power falling below 75 milliwatts prior to 48 hours of continuous operation. The month and year of the battery's manufacture must be permanently marked on the battery and the month and year upon which 50 percent of its useful life will have expired must be permanently marked on both the battery and the outside of the transmitter. The batteries must be replaced if 50 percent of their useful life has expired or if the transmitter has been used in an emergency situation.

(f) The EPIRB must be waterproof and must not be accidentally activated by rain, seaspray, hose wash-down spray or storage in high humidity conditions. Standing water on the outer surface must not significantly affect its performance.

(g) Operating instructions understandable by untrained personnel must be permanently displayed on the equipment.

(h) The exterior of the equipment must have no sharp edges or projections. Means must be provided to fasten the EPIRB to a survival craft or person.

(i) The antenna must be deployable to its designed length and operating position in a foolpoof manner. The antenna must be securely attached to the EPIRB and easy to de-ice. The antenna must be vertically polarized and omnidirectional.

§ 80.1055 Special requirements for Class B EPIRB stations.

(a) A Class B EPIRB must meet the following:

(1) The EPIRB must be turned on automatically, as by water activated battery, or manually by an on-off switch. A positive means of turning the equipment off must be provided. Where an on-off switch is employed, a guard must be provided to prevent inadvertent operation;

(2) The equipment must be designed to be deployed, its controls actuated, or its antenna erected, each by a single action task which can be performed by either hand;

(3) Meet the requirements in § 80.1053 (a)(4) through (a)(7), (a)(12), (e), (f), (g), (h), (i) and (j).

(4) Bear a designation that indicates it is a "Class B" EPIRB.

(b) A Class B EPIRB may have a manually activated test switch which meets the requirements in § 80.1053 (b) and (c).

(c) If testing of an EPIRB with Coast Guard coordination is not possible, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour and are not longer than three audio sweeps or one second whichever is longer.

§ 80.1057 Special requirements for Class C EPIRB stations.

(a) A Class C EPIRB must operate on the frequencies 156.750 and 156.800 MHz, must use G3N modulation, and employ the international Radiotelephone Two Tone Alarm signal. The EPIRB transmission must be cycled. Each cycle must consist of 6 periods (T1 to T6) as shown in the table below. During T1, T2, T3, and T5 the 156.750 MHz and 156.800 MHz carriers must be modulated alternately by a 2200 Hz and a 1300 Hz tone.

The modulating duration of each tone must be 250 milliseconds. The maximum tolerance of the frequency and modulating duration of each tone must be ±5 percent. During T4 and T6 neither of the RF carriers must be emitted. The T4 and T6 time periods must be varied according to the predetermined schedule shown in the table below. After the last cycle the transmissions must be terminated. The EPIRB must be able to recycle its transmissions in accordance to the schedule shown in the table below by placing the activation switch to the "off" and then "on" position.

Period	Duration in seconds	Transmission frequency in MHz
T_1	1.5	156.800
T_2	14.5	156.750
T_3	1.5	156.800
T_4	40.0 (16 cycles)	None.
T_5	80.0 (32 cycles)	

Period	Duration in seconds	Transmission frequency in MHz
T_1	160.0 (64.2 cycles)	
T_2	320.0 (83.2 cycles)	
T_3	14.5	156.750
T_4	Sames as T_1 duration	None.

(b) The effective radiated power must not be less than 1 watt. The power must be determined according to FCC Bulletin OCE 45. The EPIRB must meet the power requirements over each of the following temperature ranges for the time period shown below. Batteries may be replaced after completion of tests for each temperature range:

(1) 0 to +50 degrees Celsius for 24 hours continuous operation.

(2) −20 to 0 degrees Celsius for 12 hours continuous operation.

(c) The equipment must have a transmitter, an integral antenna and a power supply. The transmitter and power supply must be in separate compartments in a single watertight case.

(d) The equipment must be provided with a visible or audible indicator which clearly shows the device is operating. The indicator must be activated by the RF output power.

(e) The equipment must operate when hand held or when floating in water after storage for extended periods under marine environmental conditions.

(f) The switch used to activate the EPIRB must indicate the state of the equipment (on-off) by the physical position of the switch. A guard must be provided to prevent inadvertent operation.

(g) The equipment case must be waterproof and resealable without special tools or sealing compounds. EPIRB operation must not be degraded by submersion in sea water for a period of 24 hours.

(h) The EPIRB must float in fresh water with the antenna vertical and completely out of the water.

(i) Vacuum tubes are not permitted in EPIRB's. The EPIRB must meet the requirements after extended periods of inaction while carried in vessels and subjected to marine environmental conditions. Operation into any load from open to short must not result in continuous degradation of performance.

(j) The exterior of the equipment must have no sharp edges or projections. Means must be provided to secure the EPIRB to a survival craft or person.

(k) Operating instructions understandable by untrained personnel must be permanently displayed on the equipment. It must indicate that the device is "to be used solely for distress purposes."

(l) The equipment must have no exposed areas or terminals that could ignite flammable gases or materials.

(m) The omndirectional antenna must be securely attached to the case and capable of being stowed without being damaged.

(n) The equipment must meet the technical standards after being dropped into water from a height of 6 meters (20 feet).

(o) The EPIRB must meet the technical standards when plunged into sea water at +20 degrees Celsius after storage at a temperature of +50 degrees Celsius.

(p) If testing of an EPIRB with Coast Guard coordination is not possible, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour for not more than 10 seconds.

(q) The EPIRB must automatically turn off after 24 hours ±5 percent. It must be possible to restart the transmission sequence by placing the on-off switch momentarily in the off position and returning it to the on position.

(r) The EPIRB must be equipped with a visual indication of a low battery condition.

(s) The EPIRB must have a designation that indicates it is a "Class C" EPIRB.

§ 80.1059 Special requirements for Class S EPIRB stations.

(a) A Class S EPIRB station must be able to float or be permanently secured to a survival craft.

(b) A Class S EPIRB able to float must meet the following:

(1) Be watertight and float in calm water with at least 5 cm (2 in.) of the EPIRB out of the water and the base of the antenna at least 5 cm (2 in.) above the water, with the antenna in a vertical position completely above the water surface;

(2) Be ballasted to right itself from a position 90 degrees from its upright position in one second or less;

(3) Meet the requirements in § 80.1053 (a)(4) through (a)(9) after free fall into water 3 times from a height of 20 meters (67 ft.).

(c) A Class S EPIRB intended to be permanently secured to a survival craft is not required to float in water.

(d) Additionally, all Class S EPIRB's must meet the following:

(1) Be capable only of manual activation by an on-off switch protected by a guard to prevent inadvertent operation;

(2) Be designed to be deployed, its controls actuated, or its antenna erected, each by a single action task which can be performed by either hand;

(3) Meet the requirements in § 80.1053 (a)(4) through (a)(7) and (b) through (i);

(4) Class S EPIRB's may provide either continuous or intermittent operation. If designed for intermittent operation, the duty cycle must be 50 percent and the period two minutes ± 12 seconds.

(5) If testing of an EPIRB with Coast Guard coordination is not possible, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour and are not longer than three audio sweeps or one second whichever is longer;

(6) Have a designation that indicates it is a "Class S" EPIRB.

(b) Applications for type acceptance must include a letter from the manufacturer stating that the EPIRB meets the requirements in paragraphs (b) and (d), or (c) and (d) of this section.

Subpart W—Future Global Maritime Distress and Safety System (FGMDSS)—[Reserved]

Subpart X—Voluntary Radio Installations

General

§ 80.1151 Voluntary radio operations.

Voluntary ships must meet the rules applicable to the particular mode of operation as contained in the following subparts of this part and as modified by § 80.1153:

Operating Requirements and Procedures—Subpart C

Equipment Technical Requirements—Subpart E

Frequencies—Subpart H.

§ 80.1153 Station log and radio watches.

(a) Licensees of voluntary ships are not required to operate the ship radio station or to maintain radio station logs.

(b) When a ship radio station of a voluntary ship is being operated, appropriate general purpose watches must be maintained in accordance with §§ 80.146, 80.147 and 80.148.

Voluntary Telegraphy

§ 80.1155 Radioprinter.

Radioprinter operations provide record communications between authorized maritime mobile stations.

(a) *Supplementary eligibility requirements.* Ships must be less than 1600 gross tons.

(b) *Scope of communication.* (1) Ship radioprinter communications may be conducted with an associated private coast station.

(2) Ships authorized to communicate by radioprinter with a common private

coast station may also conduct intership radioprinter operations.

(3) Only those communications which are associated with the business and operational needs of the ship are authorized.

(c) *Assignment and use of frequencies.* (1) Frequencies for radioprinter operations are shared by several radio services including the maritime mobile service.

(2) Ship stations must conduct radioprinter operations only on frequencies assigned to their associated private coast station for that purpose.

(d) *Authorization procedure.* The authorization procedure for ship station radioprinter operations is as follows:

(1) The associated private coast station must submit an application for specific radioprinter frequencies and provide the names of ships to be served.

(2) When the private coast station receives a radioprinter license, it must provide copies of their license to all ships with which they are authorized to conduct radioprinter operations. The private coast station license copy must be kept as part of the ship station license.

(3) Any addition or deletion of ships must be notified to the Commission by letter.

§ 80.1157 Facsimile.

Facsimile is a form of telegraphy for the transmission and receipt of fixed images. Ships must use facsimile techniques only with authorized public coast stations.

§ 80.1159 Narrow-band direct-printing (NB-DP).

NB-DP is a form of telegraphy for the transmission and receipt of direct printing public correspondence. Ships must use NB-DP techniques only with authorized public coast stations.

§ 80.1161 Emergency position indicating radiobeacon (EPIRB).

EPIRB transmissions must be used only under emergency conditions. The various classes of EPIRB's are described in Subpart V of this part.

Voluntary Telephony

§ 80.1165 Assignment and use of frequencies.

Frequencies for general radiotelephone purposes are available to ships in three radio frequency bands. Use of specific frequencies must meet the Commission's rules concerning the scope of service and the class of station with which communications are intended. The three frequency bands are:

(a) *156–158 MHz (VHF/FM Radiotelephone).* Certain frequencies within this band are public correspondence frequencies and they must be used as working channels when communicating with public coast stations. Other working frequencies within the band are categorized by type of communications for which use is authorized when communicating with a private coast station or between ships. Subpart H of this part lists the frequencies and types of communications for which they are available.

(b) *1600–4000 kHz (SSB Radiotelephone).* Specific frequencies within this band are authorized for single sideband (SSB) communications with public and private coast stations or between ships. The specific frequencies are listed in Subpart H of this part.

(c) *4000–23000 kHz (SSB Radiotelephone).* Specific frequencies within this band are authorized for SSB communications with public and private coast stations. The specific frequencies are listed in Subpart H of this part.

Automated Systems

§ 80.1169 Automated Maritime Telecommunications System (AMTS).

(a) AMTS is an automated, integrated communication system along the Mississippi River and connecting waterways, the Gulf Intracoastal Waterway, and the offshore waters of the Gulf of Mexico.

(b) Each application for a ship station or fleet license to operate in the AMTS must be accompanied by a letter from the AMTS coast station licensee stating that business arrangements have been completed for the provision of service.

§ 80.1171 Assignment and use of frequencies.

(a) The frequencies assignable to AMTS stations are listed in §80.385(a). These frequencies are assignable to ship and coast stations for voice, facsimile and radioteletypewriter communications.

On-Board Communications

§ 80.1175 Scope of communications of on-board stations.

(a) On-board stations communicate:

(1) With other units of the same station for operational communications on the ship.

(2) With on-board stations of another ship or shore facility to aid in oil pollution prevention during the transfer of 250 or more barrels of oil.

(3) With other units of the same station in the immediate vicinity of the ship for operational communications related to docking, life boat and emergency drills or in the maneuvering of cargo barges and lighters.

(b) An on-board station may communicate with a station in the Business Radio Service operating on the same frequency when the vessel on which the on-board station is installed is alongside the dock or cargo handling facility.

§ 80.1177 Assignment and use of frequencies.

On-board frequencies are assignable only to ship stations. When an on-board repeater is used, paired frequencies must be used. On-board repeater frequencies must be used for single frequency simplex operations. On-board frequencies are listed in Subpart H.

§ 80.1179 On-board repeater limitations.

When an on-board repeater is used, the following limitations must be met:

(a) The on-board repeater antenna must be located no higher than 10 feet above the vessel's highest working deck.

(b) Each on-board repeater must have a timer that deactivates the transmitter if the carrier remains on for more than 3 minutes.

§ 80.1181 Station identification.

(a) On-board stations must identify when:

(1) The vessel is within 20 miles of any coastline; or

(2) The communications are likely to be received aboard another vessel.

(b) Identification, when required, must be:

(1) Transmitted at the beginning and the end of a series of communications. Whenever communications are sustained for a period exceeding 15 minutes, station identification must be transmitted at intervals not exceeding 15 minutes.

(2) In English and must include the name of the vessel, followed by a number or name designating the respective mobile unit, for example: "S.S. United States Mobile One, this is Mobile Two."

§ 80.1183 Remote control for maneuvering or navigation.

(a) An on-board station may be used for remote control of maneuvering or navigation control systems aboard the same ship or, where that ship is towing a second ship, aboard the towed ship.

(b) The remote control system transmissions must contain a synchronization signal and a message signal composed of a documentation number group, a company control group, an actuation instruction group, and a termination of transmission group.

(1) The synchronization signal must be the control character "SYN", transmitted twice.

(2) The message signal is composed of the following groups:

(i) The documentation number group must be transmitted once and be the ship's U.S. Coast Guard documentation number or, if the ship is not documented, the call sign of the on-board station.

(ii) The company control group, composed of three letters taken from AAA through ZZZ, which must be transmitted one time.

(iiii) The actuation instruction group, composed of two letters taken from AA through ZZ, which must be transmitted one time.

(iv) The termination of transmission group, composed of the control character "EM", which must be transmitted twice.

(c) The receiving system must:

(1) Reject any actuation instruction until it recognizes and accepts the company control group.

(2) Reject any company control group until it recognizes and accepts the documentation number group.

(d) The emission employed must be G2D. The provisions applicable to G3E emission are also applicable to G2D emission.

(e) The binary information must be applied to the carrier as frequency-shift keying (FSK) of the standard tones 1070 and 1270 Hz. "0" (low) must correspond to 1070 Hz and "1" (high) must correspond to 1270 Hz. The signalling rate must be 300 bits per second.

(f) The alphabet employed must be the United States of America Standard Code for Information Interchange (USASCII), contained in the United States of America Standards Institute publication USAS X3.4–1968.

(1) The bit sequence must be least significant bit first to most significant bit (bit 1 through bit 7), consecutively.

(2) The character structure must consist of 8 bits (seven bits plus one character parity bit) having equal time intervals.

(3) "Odd" parity is required.

Satellite Stations

§ 80.1185 Supplemental eligibility requirements for satellite stations.

A station license for a ship earth station in the maritime mobile-satellite service may be issued to:

(a) The owner or operator of a ship; or

(b) A corporation proposing to furnish a nonprofit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary, where the party to be served is the owner or operator of the ship aboard which the ship earth station is to be installed and operated.

§ 80.1187 Scope of communication.

Ship earth stations must be used for telecommunications related to the operation of ships and for public correspondence of persons on board. The types of emission are determined by the INMARSAT organization.

Radiodetermination

§ 80.1201 Special determination for cable-repair ship stations.

(a) A ship station may be authorized to use radio channels in the 285–315 kHz band in Region 1 and 285–325 kHz in any other region for cable repair radiodetermination purposes under the following conditions:

(1) The radio transmitting equipment attached to the cable-marker buoy associated with the ship station must be described in the station application;

(2) The call sign used for the transmitter operating under the provisions of this section is the call sign of the ship station followed by the letters "BT" and the identifying number of the buoy.

(3) The buoy transmitter must be continuously monitored by a licensed radiotelegraph operator on board the cable repair ship station; and

(4) The transmitter must operate under the provisions in § 80.375(b).

[FR Doc. 86–19723 Filed 8–29–86; 8:45 am]
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47 CFR Parts 0, 1, 2, 13, 21, 63, 87, 90 and 94

[FCC 86–142]

Amendment of the Rules to Reflect Reorganization of the Maritime Rules into a New Part 80

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends Parts 0, 1, 2, 13, 21, 63, 87, 90 and 94 of the Commission's rules to make various non-substantive changes. These amendments are primarily editorial. This action will update references to the maritime rules and aid the public in using the rules.

EFFECTIVE DATE: October 2, 1986.

FOR FURTHER INFORMATION CONTACT: James A. Shaffer, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Commission Organization.

47 CFR Part 1

Practice and Procedure.

47 CFR Part 2

Frequency Allocation and Radio Treaty Matters; General Rules and Regulations.

47 CFR Part 13

Commercial Radio Operators

47 CFR Part 21

Domestic Public Fixed Radio Service.

47 CFR Part 63

Extension of Lines and Discontinuance of Service by Carriers.

47 CFR Part 87

Aviation Service.

47 CFR Part 90

Private Land Mobile Radio Sevice.

47 CFR Part 94

Private Operational Fixed Microwave Service.

Order

In the Matter of Amendment of Parts 0, 1, 13, 21, 63, 87, 90 and 94 of the Commission's rules to reflect the reorganization of the maritime service rules into new Part 80.

Adopted: April 3, 1986.

Released: April 16, 1986.

By the Commission.

1. In the *Report and Order* in Docket No. 85–145, adopted on the same date as this *Order*, the Commission's rules governing the maritime radio services were rewritten and reorganized. Part 81 (Stations on Land in the Maritime Services and Alaska Fixed Service) and Part 83 (Station on Shipboard in the Maritime Services) were consolidated into a new Part 80 (Maritime Services). This action clarified and simplified the rules as well as reduced the size of the maritime rules by approximately 40 percent.

2. As a result of the removal of Parts 81 and 83 and the addition of new Part 80, references to the maritime rules throughout other parts of the Commission's regulations must be corrected or modified to conform to the new Part 80. After reviewing the remainder of the Commission's regulations we are amending the rules where appropriate to reflect changes resulting from the adoption of new Part 80 in PR Docket No. 85–145. Additionally, obsolete language has

been deleted and minor clarifications have been made. Rule changes are being made in Parts 0, 1, 2, 13, 21, 63, 87, 90 and 94 of Title 47 of the Code of Federal Regulations.

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because these rules amendments are non-substantive and reference changes adopted in another proceeding, this action constitutes a minor amendment to our rules in which the public is not likely to be interested. Therefore, we find for good cause that compliance with the notice and comment provisions of the Administrative Procedure Act are unnecessary. *See* 5 U.S.C. 553(b).

4. Accordingly, it is ordered, That Parts 0, 1, 2, 13, 21, 63, 87, 90 and 94 of the rules are amended as set forth, effective October 1, 1986.

5. For further information call James Shaffer, (202) 632-7197, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Parts 0, 1, 2, 13, 21, 63, 87, 90, and 94 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, unless otherwise noted.

§ 0.314 [Amended]

2. Section 0.314(e)(1) is amended by removing the reference "§ 83.512" and inserting in its place the reference "§ 80.903".

3. Section 0.314(o) is amended by removing the reference "§ 83.47" and inserting in its place the reference "§ 80.59(d)(2)".

§ 0.415 [Amended]

4. Section 0.415 is amended by removing paragraph (b).

§ 0.457 [Amended]

5. Section 0.457(d)(2) introductory text is amended by removing the references "81.506, 83.436" and inserting in their place the reference "80.33".

§ 0.487 [Removed]

6. Section 0.487 is removed.

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

§ 1.741 [Amended]

2. Section 1.741 is amended by removing the numbers "81, 83", where appearing, and inserting in their place the number "80".

§ 1.761 [Amended]

3. Section 1.761 is amended by removing "81, 83" and inserting "80."

4. Section 1.925(a) is revised to read as follows:

§ 1.925 Applications for special temporary authorizations, temporary permit or temporary operating authority.

(a) A licensee of or an applicant for a station in the Private Radio Services may file either a formal or informal application for a special temporary authority not to exceed 180 days for (1) operation of a new station or (2) operation of a licensed station in a manner which is beyond the scope of that authorized by the existing license. (See § 1.962(b)(5) and (f). The nature of the extraordinary circumstance which, in the opinion of the applicant justifies issuance of a special temporary authorization, must be fully described in the request. Information presently on file with the Commission may be included by reference, except the applications for special temporary authority under Part 90 must be clear and complete within themselves and shall not rely on any pending applications. Applications for special temporary authority must be filed at least 10 days prior to the proposed operation. Applications filed less than 10 days prior to the proposed operation date will be accepted only upon a showing of good cause. In situations involving the safety of life or property or where equipment has been damaged, a request for special temporary authority may be made by telephone or telegraph provided a properly signed application is filed within 10 days of such request.

* * * * *

§ 1.926 [Amended]

4. Section 1.926(a)(2) is amended by removing the parenthetical phrase "(§ 81.37 of this chapter)" and inserting in its place the parenthetical phrase "(§ 80.19 of this chapter)".

5. In § 1.951, paragraph (a)(2) is revised to read as follows:

§ 1.951 How applications are distributed.

(a) * * *

(2) Marine Radio Service applications: Stations in the Maritime Mobile Service, Stations in the Maritime Radiodetermination Service, and Fixed Stations associated with the maritime services.

* * * * *

§ 1.972 [Amended]

6. Section 1.972(a)(1) is amended by removing the words "Part 81—Stations on Land in the Maritime Services" and inserting in their place the words "Part 80—Stations in the Maritime Services".

7. Section 1.972(c) is amended by removing "Part 81" and inserting "Part 80".

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

§ 2.106 [Amended]

2. The table in § 2.106 is amended in column 6 by removing the words "MARITIME (80)" where appearing and inserting in their place the words "MARITIME (81 & 83)", and by removing the words "Maritime (81 & 83)" where appearing and inserting in their place the words "Maritime (80)".

3. The table in § 2.106 is amended in column 6 by removing the words "ALASKA FIXED (81)" where appearing and inserting in their place the words "ALASKA FIXED (80)".

4. The table in § 2.106 is amended in column 6 by adding the words "Maritime (80)" in the 18168–18780 kHz band under the words "INTERNATIONAL FIXED PUBLIC (23)".

§ 2.995 [Amended]

5. In § 2.995(a)(2), the first sentence is amended by removing the words "Parts 81 and 83" and inserting in their place the words "Part 80".

PART 13—COMMERCIAL RADIO OPERATORS

1. The authority citation for Part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303, unless otherwise noted.

§ 13.61 [Amended]

2. Section 13.61 is amended by removing the numbers "81, 83" and inserting in their place the number "80".

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

1. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

2. In § 21.2, the note following the definition of "Domestic public radio services" is revised to read as follows:

§ 21.2 [Definitions]

* * * * *

Note.—Part 80 of this chapter is applicable to the maritime services and Fixed Stations associated with the maritime services; Part 87 is applicable to aeronautical services.

* * * * *

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

1. The authority citation for Part 63 continues to read as follows:

Authority: Secs. 4, 48 Stat. 1066, as amended 47 U.S.C. 154. Interpret or apply sec. 214, 48 Stat. 1075, as amended; 47 U.S.C. 214, unless otherwise noted.

§ 63.60 [Amended]

2. Section 63.60(a)(1) is amended by removing the reference "§ 81.3" and inserting in its place reference "§ 80.5".

PART 87—AVIATION SERVICES

1. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

§ 87.77 [Amended]

2. Section 87.77(b) is amended by removing the number "83" from the last sentence and inserting in its place the number "80".

§ 87.183 [Amended]

3. Section 87.183(j)(1) is amended by removing the number "83" and inserting in its place the number "80".

§ 87.237 [Amended]

4. In § 87.237, the last sentence is amended by removing the number "83" and inserting in its place the number "80".

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

§ 90.53 [Amended]

2. Section 90.53(b)(1) introductory text is amended by removing the number "83" and inserting in its place the number "80".

3. Section 90.53(b)(1)(ii) is amended by removing the reference "§ 81.302(b)" and inserting in its place the reference "§ 80.453".

4. Section 90.53(b)(1)(iii) is amended by removing the number "83" and inserting in its place the number "80".

§ 90.103 [Amended]

5. In § 90.103 paragraphs (c)(11), (15), and (16) are amended by removing the words "Maritime Radionavigation Service (Part 83)" and inserting in their place the words "Maritime Radionavigation Stations (Part 80)".

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. The authority citation for Part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

§ 94.5 [Amended]

2. Section 94.5 is amended by removing the number "81" and inserting in its place the number "80".

§ 94.9 [Amended]

3. Section 94.9(b)(1) is amended by removing the number "81" and inserting in its place the number "80".

[FR Doc. 86-19615 Filed 8-29-86; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[PR Docket No. 86-340; RM-5227; FCC 86-371]

Amendment of the Maritime Services Rules Concerning Compulsory Ship Radar Equipment Specifications for New Installations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to provide new performance specifications for new compulsory navigational radar equipment on board ships of 500 gross tons and upwards. This action was initiated by a petition for rulemaking filed by the Radio Technical Commission for Maritime Services. The effect of the proposed rules would be to update and consolidate standards for shipboard radar equipment.

DATE: Comments must be received on or before November 20, 1986; reply comments must be received on or before December 20, 1986.

FOR FURTHER INFORMATION CONTACT: Robert E. Mickley, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rule Making

Adopted: August 6, 1986; Released: August 19, 1986.

By the Commission.

1. The Radio Technical Commission for Maritime Services (RTCM) has filed a petition (RM-5227) on behalf of the maritime industry requesting that new radar specifications be incorporated into the Commission's rules. In September 1983 RTCM established a special committee to conduct a review of existing Commission rules applicable to shipboard radar and to determine whether Commission rule changes should be recommended. The special committee was composed of representatives from radar equipment users, manufacturers and the government. As a result, RTCM has formulated radar performance specifications and standards based upon resolutions of the International Maritime Organization (IMO), draft specifications of the International Eletro-technical Commission (IEC) and the Final Report of RTCM Special Committee No. 65.

2. The current radar specifications are contained in three separate documents which are applicable to three separate ship categories. These categories are based upon ship size, date of ship construction and date of radar installation. The purpose of the requested rule change is to reconcile the minor differences contained in the separate radar documents and have a single document apply to new radar installations on all compulsory equipped ships installed on or after July 1, 1988. This is intended to reduce confusion resulting from multiple documents containing specifications and multiple categories of ships.

3. We propose to amend the rules as requested by RTCM. The new radar document prepared by RTCM essentially updates and consolidates existing documents containing radar standards and specifications which are incorporated in the rules. These standards and specifications only apply to ships which are required by the International Convention for the Safety of Life at Sea (Safety Convention) or U.S. Coast Guard regulations to carry radar installations on board. The proposed amendment will not cause ships to replace any existing radar equipment nor will manufacturers need to redesign radar equipment which meets existing requirements. The radar requirements contained in currently referenced documents will be "grandfathered" indefinitely to avoid any possible burden on industry or users.

4. In accordance with the Administrative Procedure Act, 5 U.S.C. 552(a), we propose to incorporate by reference in the rules the International Maritime Organization and RTCM documents which contain the applicable radar installation requirements. These documents are reasonably available to the persons affected through the Commission Headquarters and RTCM. Incorporation by refernce will avoid unnecessary duplication in the rules.

5. The proposed amendments to the Commissioner's rules set forth below are issued under the authority contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). The amendments proposed in this proceeding address revisions in the recently adopted Part 80 (Stations in the Maritime Services) of the rules. See Report and Order, PR Docket No. 85-145, FCC 86-141, released April 25, 1986. Part 80 will not be effective until 30 days after publication in the **Federal Register**. Publication in the **Federal Register** is planned on or about October 1, 1986. Any amendments to the rules ultimately resulting from this proceeding would be effective after that date.

6. Pursuant to applicable procedures set forth in § 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments by the dates indicated in the Preamble to this document. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

7. This is a non-restricted notice and comment rule making proceeding. See § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

8. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

9. We have determined that section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) does not apply to this rule making proceeding because if promulgated, it wil not have a significant economic impact on a substantial number of small entities. These proposed rules only affect large oceangoing ships that are required to carry radar installations. No additional equipment would be required nor currently carried equipment obsoleted by this action.

10. It is ordered, That a copy of this Notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

11. Regarding questions on matters covered in this document, contact Robert E. Mickley, (202) 632-7175.

List of Subjects in 47 CFR Part 80

Marine safety, Ship stations, Vessels.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Proposed Rules

Part 80 of Chapter 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48, Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377, unless otherwise noted.

2. Section 80.825 is revised to read as follows:

§80.825 Radar installation requirements and specifications.

(a) Radar installations on board ships which are required by the Safety Convention or the U.S. Coast Guard to be equipped with radar must comply with either the document referenced in subparagraph (1) of this paragraph or the applicable document referenced in subparagraphs (2) through (4) of this paragraph. These documents are incorporated by reference in accordance with 5 U.S.C. 552(a). The documents contain specifications, standards and general requirements applicable to shipboard radar equipment and shipboard radar installations. For purposes of this part, the specifications, standards and general requirements stated in these documents are mandatory irrespective of dicretionary language. Radar documents are available for inspection at the Commission Headquarters in Washington, DC or may be obtained from the Radio Technical Commission for Maritime Services (RTCM), P.O. Box 19087, Washington, DC 20036.

(1) Radar installations installed on ships of 500 gross tons and upwards on or after July 1, 1988, must comply with the provisions of RTCM Paper 153–85/SC 103–30 including Appendix A. Title: "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 500 Gross Tons and Upwards for New Radar Installations." Title of Appendix A: "General Purpose Shipborne Navigational Radar Set for Oceangoing Ships *Design and Testing Specifications."* Document approved by RTCM August 15, 1985.

(2) Radar installations installed on ships of 1,600 gross tons and upwards on or before April 27, 1981 must comply with the provisions of Volume II of RCTM Special Committee No. 65 Final Report; Part II. Title: "Performance Specification For A General Purpose Navigational Radar Set For Oceangoing Ships Of 1,600 Tons Gross Tonnage and Upwards for Ships Already Fitted." Document undated; effective as FCC requirement on April 27, 1981.

(3) Radar installations installed on ships of 1,600 gross tons and upwards after April 27, 1981 and before July 1, 1988, must comply with the provisions of Volume II of RTCM Special Committee No. 65 Final Report with Change 1 entered; Part 1 including Appendix A. Title: "Performance Specification For a General Purpose Navigational Radar Set For Oceangoing Vessels of 1,600 Tons Gross Tonnage and Upwards For New Radar Installations." Title of Appendix A: "General Purpose Shipborne Navigational Radar Set For Oceangoing Ships *Design And Testing Specifications."* Document undated; effective as FCC requirement on April 27, 1981.

(4) Ships between 500 and 1,600 gross tons constructed on or after September 1, 1984, with radar installations installed before July 1, 1988, must comply with the provisions of Inter-Governmental Maritime Consultative Organization (IMCO) [Now International Maritime Organization (IMO)] Resolution A.477 (XII). Title: "Performance Standards for Radar Equipment." Adopted by IMCO November 19, 1981.

(b) For ships of 10,000 gross tons or more or any other ship that is required to be equipped with two radar systems, each of these systems must be capable of operating independently and must comply with the specifications, standards and general requirements established by paragraph (a) of this section. One of the systems must provide a display with an effective diameter of not less than 340 millimeters (13.4 inches), (16 inch cathode ray tube); and the other system must provide a display with an effective diameter of not less than 250 millimeters (9.8 inches), 12 inch cathode ray tube).

(c) Recommendations for tools, test equipment, spares and technical manuals are contained in Appendices I, II, III and IV of Part IV of Volume III of the RTCM SC–65 Final Report.

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 27, 1986

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$5.50	Jan. 1, 1986
3 (1985 Compilation and Parts 100 and 101)	14.00	[5] Jan. 1, 1986
4	11.00	Jan. 1, 1986
5 Parts:		
1-1199	18.00	Jan. 1, 1986
1200-End, 6 (6 Reserved)	6.50	Jan. 1, 1986
7 Parts:		
0-45	24.00	Jan. 1, 1986
46-51	16.00	Jan. 1, 1986
52	18.00	Jan. 1, 1986
53-209	14.00	Jan. 1, 1986
210-299	21.00	Jan. 1, 1986
300-399	11.00	Jan. 1, 1986
400-699	19.00	Jan. 1, 1986
700-899	17.00	Jan. 1, 1986
900-999	20.00	Jan. 1, 1986
1000-1059	12.00	Jan. 1, 1986
1060-1119	9.50	Jan. 1, 1986
1120-1199	8.50	Jan. 1, 1986
1200-1499	13.00	Jan. 1, 1986
1500-1899	7.00	Jan. 1, 1986
1900-1944	23.00	Jan. 1, 1986
1945-End	23.00	Jan. 1, 1986
8	7.00	Jan. 1, 1986
9 Parts:		
1-199	14.00	Jan. 1, 1986
200-End	14.00	Jan. 1, 1986
10 Parts:		
0-199	22.00	Jan. 1, 1986
200-399	13.00	Jan. 1, 1986
400-499	14.00	Jan. 1, 1986
500-End	23.00	Jan. 1, 1986
11	7.00	Jan. 1, 1986
12 Parts:		
1-199	8.50	Jan. 1, 1986
200-299	22.00	Jan. 1, 1986
300-499	13.00	Jan. 1, 1986
500-End	26.00	Jan. 1, 1986
13	19.00	Jan. 1, 1986
14 Parts:		
1-59	20.00	Jan. 1, 1986
60-139	19.00	Jan. 1, 1986
140-199	7.50	Jan. 1, 1986
200-1199	14.00	Jan. 1, 1986
1200-End	8.00	Jan. 1, 1986
15 Parts:		
0-299	7.00	Jan. 1, 1986
300-399	20.00	Jan. 1, 1986
400-End	15.00	Jan. 1, 1986
16 Parts:		
0-149	9.00	Jan. 1, 1986
150-999	10.00	Jan. 1, 1986
1000-End	18.00	Jan. 1, 1986
17 Parts:		
1-239	26.00	Apr. 1, 1986
240-End	19.00	Apr. 1, 1986
18 Parts:		
1-149	15.00	Apr. 1, 1986
150-399	25.00	Apr. 1, 1986
400-End	6.50	Apr. 1, 1986
19	29.00	Apr. 1, 1986
20 Parts:		
1-399	10.00	Apr. 1, 1986
400-499	22.00	Apr. 1, 1986
500-End	23.00	Apr. 1, 1986
21 Parts:		
1-99	12.00	Apr. 1, 1986
100-169	14.00	Apr. 1, 1986
170-199	16.00	Apr. 1, 1986
200-299	6.00	Apr. 1, 1986
300-499	25.00	Apr. 1, 1986
500-599	21.00	Apr. 1, 1986
600-799	7.50	Apr. 1, 1986
800-1299	13.00	Apr. 1, 1986
1300-End	6.50	Apr. 1, 1986
22	28.00	Apr. 1, 1986
23	17.00	Apr. 1, 1986
24 Parts:		
0-199	15.00	Apr. 1, 1986
200-499	24.00	Apr. 1, 1986
500-699	8.50	Apr. 1, 1986
700-1699	17.00	Apr. 1, 1986
1700-End	12.00	Apr. 1, 1986
25	24.00	Apr. 1, 1986
26 Parts:		
§§ 1.0-1.169	29.00	Apr. 1, 1986
§§ 1.170-1.300	16.00	Apr. 1, 1986
§§ 1.301-1.400	13.00	Apr. 1, 1986
§§ 1.401-1.500	20.00	Apr. 1, 1986
§§ 1.501-1.640	15.00	Apr. 1, 1986
§§ 1.641-1.850	16.00	Apr. 1, 1986
§§ 1.851-1.1200	29.00	Apr. 1, 1986
§§ 1.1201-End	29.00	Apr. 1, 1986
2-29	19.00	Apr. 1, 1986
30-39	13.00	Apr. 1, 1986
40-299	25.00	Apr. 1, 1986
300-499	14.00	Apr. 1, 1986
500-599	8.00	[1] Apr. 1, 1980
600-End	4.75	Apr. 1, 1986
27 Parts:		
1-199	20.00	Apr. 1, 1986
200-End	14.00	Apr. 1, 1986
28	16.00	July 1, 1985
29 Parts:		
0-99	11.00	July 1, 1985
100-499	5.00	July 1, 1985
500-899	19.00	July 1, 1985
*900-1899	9.00	July 1, 1986
1900-1910	21.00	July 1, 1985
1911-1919	5.50	[2] July 1, 1984
1920-End	20.00	July 1, 1985
30 Parts:		
0-199	16.00	July 1, 1985
200-699	8.50	July 1, 1986
700-End	13.00	July 1, 1985
31 Parts:		
*0-199	11.00	July 1, 1986
200-End	16.00	July 1, 1986

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	[3] July 1, 1984
1–39, Vol. II	19.00	[3] July 1, 1984
1–39, Vol. III	18.00	[3] July 1, 1984
1–189	13.00	July 1, 1985
190–399	23.00	July 1, 1986
400–629	15.00	July 1, 1985
*630–699	13.00	July 1, 1986
*700–799	15.00	July 1, 1986
800–999	7.50	July 1, 1985
1000–End	5.50	July 1, 1985
33 Parts:		
1–199	20.00	July 1, 1985
200–End	14.00	July 1, 1985
34 Parts:		
1–299	15.00	July 1, 1985
300–399	11.00	July 1, 1986
400–End	18.00	July 1, 1985
35	7.00	July 1, 1985
36 Parts:		
1–199	9.00	July 1, 1985
200–End	14.00	July 1, 1985
37	9.00	July 1, 1985
38 Parts:		
0–17	16.00	July 1, 1985
18–End	11.00	July 1, 1985
39	12.00	July 1, 1986
40 Parts:		
1–51	16.00	July 1, 1985
52	21.00	July 1, 1985
53–80	23.00	July 1, 1985
81–99	18.00	July 1, 1985
100–149	18.00	July 1, 1985
150–189	13.00	July 1, 1985
190–399	19.00	July 1, 1985
400–424	14.00	July 1, 1985
425–699	13.00	July 1, 1985
700–End	8.00	July 1, 1985
41 Chapters:		
1, 1–1 to 1–10	13.00	[4] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[4] July 1, 1984
3–6	14.00	[4] July 1, 1984
7	6.00	[4] July 1, 1984
8	4.50	[4] July 1, 1984
9	13.00	[4] July 1, 1984
10–17	9.50	[4] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[4] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[4] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[4] July 1, 1984
19–100	13.00	[4] July 1, 1984
1–100	7.50	July 1, 1985
101	19.00	July 1, 1985
102–200	8.50	July 1, 1985
*201–End	7.50	July 1, 1986
42 Parts:		
1–60	12.00	Oct. 1, 1985
61–399	7.00	Oct. 1, 1985
400–429	16.00	Oct. 1, 1985
430–End	11.00	Oct. 1, 1985

Title	Price	Revision Date
43 Parts:		
1–999	10.00	Oct. 1, 1985
1000–3999	18.00	Oct. 1, 1985
4000–End	8.50	Oct. 1, 1985
44	13.00	Oct. 1, 1985
45 Parts:		
1–199	10.00	Oct. 1, 1985
200–499	7.00	Oct. 1, 1985
500–1199	13.00	Oct. 1, 1985
1200–End	9.00	Oct. 1, 1985
46 Parts:		
1–40	10.00	Oct. 1, 1985
41–69	10.00	Oct. 1, 1985
70–89	5.50	Oct. 1, 1985
90–139	9.00	Oct. 1, 1985
140–155	8.50	Oct. 1, 1985
156–165	10.00	Oct. 1, 1985
166–199	9.00	Oct. 1, 1985
200–499	15.00	Oct. 1, 1985
500–End	7.50	Oct. 1, 1985
47 Parts:		
0–19	13.00	Oct. 1, 1985
20–69	21.00	Oct. 1, 1985
70–79	13.00	Oct. 1, 1985
80–End	18.00	Oct. 1, 1985
48 Chapters:		
1 (Parts 1–51)	16.00	Oct. 1, 1985
1 (Parts 52–99)	12.00	Oct. 1, 1985
2	15.00	Oct. 1, 1985
3–6	13.00	Oct. 1, 1985
7–14	17.00	Oct. 1, 1985
15–End	17.00	Oct. 1, 1985
49 Parts:		
1–99	7.00	Oct. 1, 1985
100–177	19.00	Nov. 1, 1985
178–199	15.00	Nov. 1, 1985
200–399	13.00	Oct. 1, 1985
400–999	16.00	Oct. 1, 1985
1000–1199	13.00	Oct. 1, 1985
1200–1299	13.00	Oct. 1, 1985
1300–End	2.25	Oct. 1, 1985
50 Parts:		
1–199	11.00	Oct. 1, 1985
200–End	19.00	Oct. 1, 1985
CFR Index and Findings Aids	21.00	Jan. 1, 1986
Complete 1986 CFR set	595.00	1986
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Subscription (mailed as issued)	185.00	1986
Individual copies	3.75	1986

[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1985. The CFR volume issued as of July 1, 1984, should be retained.

[3] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[4] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[5] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—SEPTEMBER 1986

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
September 2	September 17	October 2	October 17	November 3	December 1
September 3	September 18	October 3	October 20	November 3	December 2
September 4	September 19	October 6	October 20	November 3	December 3
September 5	September 22	October 6	October 20	November 4	December 4
September 8	September 23	October 8	October 23	November 7	December 8
September 9	September 24	October 9	October 24	November 10	December 8
September 10	September 25	October 10	October 27	November 10	December 9
September 11	September 26	October 14	October 27	November 10	December 10
September 12	September 29	October 14	October 27	November 12	December 11
September 15	September 30	October 15	October 30	November 14	December 15
September 16	October 1	October 16	October 31	November 17	December 15
September 17	October 2	October 17	November 3	November 17	December 16
September 18	October 3	October 20	November 3	November 17	December 17
September 19	October 6	October 20	November 3	November 18	December 18
September 22	October 7	October 22	November 6	November 21	December 22
September 23	October 8	October 23	November 7	November 24	December 22
September 24	October 9	October 24	November 10	November 24	December 23
September 25	October 10	October 27	November 10	November 24	December 24
September 26	October 14	October 27	November 10	November 25	December 26
September 29	October 14	October 29	November 13	November 28	December 29
September 30	October 15	October 30	November 14	December 1	December 29